

MONTANA LEGISLATIVE HISTORY

Chapter 266 19 77

Bill H _____ S 19 _____ Original bill & history ____C

H. Committee on Education

Hearing Date(s) Mar 04 ✓ C

Mar 11 ✓ C

_____ C

_____ C

Date Out _____ C

S. Committee on Education

Hearing Date(s) Jan 06 ✓ C

Jan 29 ✓ C

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Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

1 SENATE BILL NO. 17
2 INTRODUCED BY BLAYLOCK
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL
5 REVISION AND CLARIFICATION OF LAWS RELATING TO EDUCATION."
6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
8 Section 1. Section 75-5607, R.C.M. 1947, is amended to
9 read as follows:
10 "75-5607. Board of public education -- Powers powers
11 and duties. The board of public education shall have--the
12 power-and-it-shall-be-its-duty-to:
13 (1) effect an orderly and uniform system of for
14 teacher certification and for the issuance of an emergency
15 authorization of employment by adopting the policies
16 prescribed by sections 75-6002 and 75-6011;
17 (2) consider the suspension or revocation of teacher
18 certificates and appeals from the denial of teacher
19 certification in accordance with the provisions of section
20 75-6010;
21 (3) administer and order the distribution of state
22 equalization aid in accordance with the provisions of
23 section 75-6917;
24 (4) adopt and enforce policies to provide uniform
25 standards and regulations for the design, construction, and

1 operation of school buses in accordance with the provisions
2 of section 75-7004;
3 (5) approve or disapprove a reduction of the number of
4 hours in a district's school day in accordance with the
5 provisions of section 75-7403;
6 (6) adopt policies prescribing the conditions when
7 school may be conducted on Saturdays and the types of
8 pupil-instruction-related days and approval procedure for
9 such days in accordance with the provisions of sections
10 75-7404 and 75-7405;
11 (7) adopt standards of accreditation and establish the
12 accreditation status of every school in accordance with the
13 provisions of sections 75-7501 and 75-7502;
14 ~~(8) -- establish the scope of conservation -- education -- in~~
15 ~~the -- schools -- in -- accordance -- with -- the -- provisions -- of -- section~~
16 ~~75-7509;~~
17 ~~(9)~~ (8) approve or disapprove educational media
18 selected by the superintendent of public instruction for the
19 educational media library in accordance with the provisions
20 of section 75-7511;
21 ~~(10)~~ (9) as the governing board of the state of Montana
22 for vocational education, adopt the policies prescribed by
23 and in accordance with the provisions of section 75-7702;
24 ~~(11)~~ (10) consider applications for post-secondary
25 postsecondary vocational-technical center designation in

1 accordance with the provisions of section 75-7707;

2 ~~{12}{11}~~ for the purposes of post-secondary

3 ~~postsecondary~~ vocational-technical centers, approve or

4 disapprove programs and budgets, direct the distribution of

5 moneys in support of such budgets, determine tuition rates

6 and fees, and enter into lease agreements or real property

7 purchases in accordance with the post-secondary

8 ~~postsecondary~~ vocational-technical center provisions of the

9 vocational education chapter of this ~~title~~ title;

10 ~~{13}{12}~~ adopt policies for the conduct of special

11 education in accordance with the provisions of section

12 75-7802;

13 ~~{14} supervise---community---college---districts---in~~

14 ~~accordance---with---the---provisions---of---sections---75-8183-and~~

15 ~~75-8119;~~

16 ~~{15} call an election, determine the results of the~~

17 ~~election, order and implement the organization of a community~~

18 ~~college district in accordance with the community college~~

19 ~~districts chapter of this title; and~~

20 ~~{16}{13}~~ perform any other duty prescribed from time to

21 time by this ~~title~~ title or any other act of the

22 legislature."

23 Section 2. There is a new R.C.M. section numbered

24 75-5607.1 that reads as follows:

25 75-5607.1. Regents to supervise community college

1 districts. The board of regents of higher education shall:

2 (1) supervise community college districts in

3 accordance with the provisions of 75-8103 and 75-8119; and

4 (2) call an election, determine the results of the

5 election, and order and implement the organization of a

6 community college district in accordance with the community

7 college districts chapter of this title.

8 Section 3. Section 75-5707, R.C.M. 1947, is amended to

9 read as follows:

10 "75-5707. Powers---and---duties Supervision of schools.

11 The superintendent of public instruction ~~shall have~~ has the

12 general supervision of the public schools and districts of

13 the state, and he ~~shall have the power and~~ shall perform

14 the following duties or acts in implementing and enforcing

15 the provisions of this ~~title~~ title:

16 (1) resolve any controversy resulting from the

17 proration of joint costs by a joint board of trustees under

18 the provisions of section 75-5929;

19 (2) issue, renew, or deny teacher certification and

20 emergency authorizations of employment and give notice of

21 teacher certification suspension or revocation proceedings

22 to be conducted by the board of public education in

23 accordance with the provisions of the teacher certification

24 chapter of this ~~title~~ title;

25 (3) negotiate reciprocal tuition agreements with other

1 states in accordance with the provisions of ~~section~~ 75-6318;

2 (4) pay the tuition for the residents of the Montana
3 children's center at Twin Bridges high school in accordance
4 with the provisions of ~~section~~ 75-6319;

5 (5) serve on the teachers' retirement board in
6 accordance with the provisions of ~~section-75-6203~~ 82A-212;

7 (6) prescribe absentee voting forms and rules in
8 accordance with the provisions of ~~section~~ 75-6416;

9 (7) approve or disapprove the orders of a high school
10 boundary commission in accordance with the provisions of
11 ~~section~~ 75-6528;

12 (8) approve or disapprove the opening or reopening of
13 a school in accordance with the provisions of ~~sections~~
14 75-6602, 75-6603, 75-6604, or 75-6605;

15 (9) approve or disapprove school isolation within the
16 limitations prescribed by ~~section~~ 75-6608;

17 (10) generally supervise the school budgeting
18 procedures prescribed by law in accordance with the
19 provisions of ~~section~~ 75-6702 and prescribe the school
20 budget format in accordance with the provisions of ~~section~~
21 75-6704 and 75-7209;

22 (11) establish a system of communication for
23 calculating joint district revenues in accordance with the
24 provisions of ~~section~~ 75-6721;

25 (12) approve or disapprove the adoption of a district's

1 emergency budget resolution under the conditions prescribed
2 in ~~section~~ 75-6725 and publish rules ~~and-regulations~~ for an
3 application for additional state aid for an emergency budget
4 in accordance with the approval and disbursement provisions
5 of ~~section~~ 75-6729;

6 (13) generally supervise the school financial
7 administration provisions as prescribed by ~~section~~ 75-6802;

8 (14) appoint the responsible county officials for the
9 performance of the budgeting duties and the financial
10 administration duties for a joint district in accordance
11 with the provisions of ~~sections~~ 75-6720 and 75-6803;

12 (15) prescribe and furnish the annual report forms to
13 enable the districts to report to the county superintendent
14 in accordance with the provisions of ~~subsection-(5)-of~~
15 ~~section~~ 75-6806(5), and the annual report forms to enable
16 the county superintendents to report to the superintendent
17 of public instruction in accordance with the provisions of
18 ~~section~~ 75-5809;

19 (16) approve, disapprove, or adjust an increase of the
20 average number belonging (ANB) in accordance with the
21 provisions of ~~sections~~ 75-6903 and 75-6904;

22 (17) distribute state equalization aid in support of
23 the foundation program in accordance with the provisions of
24 ~~sections~~ 75-6908, 75-6918, and 75-6919;

25 (18) estimate the state-wide ~~statewide~~ equalization

1 level for the foundation program in accordance with the
2 provisions of ~~section~~ 75-6920;

3 (19) distribute state impact aid in accordance with the
4 provisions of ~~section~~ 75-6925;

5 (20) provide for the uniform and equal provision of
6 transportation by performing the duties prescribed by the
7 provisions of ~~section~~ 75-7005;

8 (21) approve or disapprove an adult education program
9 for which a district proposes to levy a tax in accordance
10 with the provisions of ~~section~~ 75-7207;

11 (22) request, accept, deposit, and expend federal
12 moneys in accordance with the provisions of ~~section~~ 75-7303;

13 (23) authorize the use of federal moneys for the
14 support of an interlocal co-operative ~~cooperative~~ agreement
15 in accordance with the provisions of ~~sections~~ 75-7306 and
16 75-7307;

17 (24) prescribe the form and contents of and approve or
18 disapprove interstate contracts in accordance with the
19 provisions of ~~section~~ 75-7308;

20 (25) approve or disapprove the conduct of school on a
21 Saturday or on pupil-instruction-related days in accordance
22 with the provisions of ~~sections~~ 75-7404 and 75-7405;

23 (26) recommend standards of accreditation for all
24 schools to the board of public education, and evaluate
25 compliance with such standards and recommend accreditation

1 status of every school to the board of public education in
2 accordance with the provisions of ~~sections~~ 75-7501 and
3 75-7502;

4 (27) collect and maintain a file of curriculum guides
5 and assist schools with instructional programs in accordance
6 with the provisions of ~~sections~~ 75-7505 and 75-7506;

7 ~~{28}-recommend--the--scope-of-conservation-education-in~~
8 ~~the-schools-to-the-board-of-education-in-accordance-with-the~~
9 ~~provisions-of-section-75-7509;~~

10 ~~{29}~~{28} establish and maintain a library of visual,
11 aural, and other educational media in accordance with the
12 provisions of ~~section~~ 75-7511;

13 ~~{30}~~{29} license textbook dealers, maintain a textbook
14 library, initiate prosecution of textbook dealers violating
15 the law, and supply a textbook listing in accordance with
16 the provisions of the textbooks chapter of this ~~title~~ title;

17 ~~{31}~~{30} administer and perform the duties as the
18 executive officer of the board of public education for
19 vocational education in accordance with the provisions of
20 ~~section~~ 75-7703;

21 ~~{32}~~{31} consider applications for the designation of a
22 post-secondary ~~postsecondary~~ vocational-technical center in
23 accordance with the provisions of ~~section~~ 75-7707;

24 ~~{33}~~{32} establish a fund for the handling of
25 post-secondary ~~postsecondary~~ vocational-technical center

1 fees in accordance with the provisions of section 75-7714;
 2 ~~{34}{33}~~ supervise and co-ordinate ~~coordinate~~ the
 3 conduct of special education in the state in accordance with
 4 the provisions of section 75-7803;
 5 ~~{35}{34}~~ administer the traffic education program in
 6 accordance with the provisions of section 75-7904;
 7 ~~{36}{35}~~ administer the school food services program in
 8 accordance with the provisions of sections 75-8002, 75-8003,
 9 and 75-8004;
 10 ~~{37}{determine the result of an organization election~~
 11 ~~for a community college district and the related election of~~
 12 ~~trustees in accordance with the provisions of section~~
 13 ~~75-8112;~~
 14 ~~{38}{35}~~ review school building plans and
 15 specifications in accordance with the provisions of section
 16 75-8206;
 17 ~~{39}{37}~~ publish and distribute fire danger books in
 18 accordance with the provisions of section 75-8309;
 19 ~~{40}{33}~~ prescribe the method of identification and
 20 signals to be used by school safety patrols in accordance
 21 with the provisions of section 75-8310; and
 22 ~~{41}{39}~~ perform any other duty prescribed from time to
 23 time by this ~~title~~ title, any other act of the legislature,
 24 or the policies of the board of public education."
 25 Section 4. Section 75-5805, R.C.M. 1947, is amended to

1 read as follows:
 2 "75-5805. County superintendent -- Powers ~~powers~~ and
 3 duties. The county superintendent ~~shall have~~ has general
 4 supervision of the schools of the county within the
 5 limitations prescribed by this ~~title~~ title and shall perform
 6 the following duties or acts:
 7 (1) determine, establish, and ~~re-establish~~ reestablish
 8 trustee nominating districts, and fill additional trustee
 9 position vacancies in accordance with the provisions of
 10 sections 75-5903, 75-5904, and 75-5905;
 11 (2) administer and file the oaths of members of the
 12 boards of trustees of the districts in his county in
 13 accordance with the provisions of section 75-5916;
 14 (3) fill by appointment any trustee position vacancies
 15 when required under the provisions of section 75-5918;
 16 (4) register the teacher certificate or emergency
 17 authorization of employment of any person employed in the
 18 county as a teacher, principal, or district superintendent
 19 in accordance with the provisions of section 75-6105;
 20 (5) act on each tuition application submitted to him
 21 in accordance with the provisions of sections 75-6313,
 22 75-6314, 75-6315, and 75-6316, and transmit the tuition
 23 information required by section 75-6317;
 24 (6) file a copy of the audit report for a district or
 25 ~~a school's extracurricular fund~~ in accordance with the

1 provisions of ~~sections~~ 75-6807 or 75-6323;

2 (7) classify districts in accordance with the
3 provisions of ~~section~~ 75-6503;

4 (8) keep a transcript and reconcile the district
5 boundaries of the county in accordance with the provisions
6 of ~~section~~ 75-6504;

7 (9) fulfill all responsibilities assigned to him under
8 the provisions of this ~~title~~ title regulating the
9 organization, alteration, or abandonment of districts;

10 (10) act on any unification proposition and, if
11 approved, establish additional trustee nominating districts
12 in accordance with ~~sections~~ 75-6538 and 75-6539;

13 (11) estimate the average number belonging (ANB) of an
14 opening school in accordance with the provisions of ~~sections~~
15 75-6602, 75-6603, 75-6604, or 75-6606;

16 (12) process and, when required, act on school
17 isolation applications in accordance with the provisions of
18 ~~section~~ 75-6608;

19 (13) complete the budgets, compute the budgeted
20 revenues and tax levies, give notices of the budget
21 meetings, file final and emergency budgets, and fulfill such
22 other responsibilities assigned to him under the provisions
23 of this ~~title~~ title regulating school budgeting systems;

24 (14) submit an annual financial report to the
25 superintendent of public instruction in accordance with the

1 provisions of ~~section~~ 75-6804;

2 (15) quarterly, unless otherwise provided by law, order
3 the county treasurer to apportion state moneys, county
4 school moneys, and any other school moneys subject to
5 apportionment in accordance with the provisions of ~~75-6805,~~
6 ~~sections~~ 75-6909, 75-6914, 75-6919, 75-6921, 75-7022, or
7 75-7023, ~~or~~ 75-6805;

8 (16) act on any request to transfer average number
9 belonging (ANB) in accordance with the provisions of
10 subsection (3) of ~~section~~ 75-6903;

11 (17) calculate the estimated, budgeted general fund
12 sources of revenue in accordance with the provisions of
13 ~~section~~ 75-6911 and 75-6920, and the other general fund
14 revenue provisions of the general fund chapter of this ~~title~~
15 title;

16 (18) compute the revenues and the district and county
17 levy requirements for each fund included on each district's
18 final budget, and report such computations to the board of
19 county commissioners in accordance with the provisions of
20 the general fund, transportation, bonds, and other school
21 funds chapters of this ~~title~~ title;

22 (19) file and forward bus driver certifications,
23 transportation contracts, and state transportation
24 reimbursement claims in accordance with the provisions of
25 ~~sections~~ 75-7003, 75-7020, or 75-7022;

1 (20) for districts which do not employ a district
2 superintendent or principal, recommend library book and
3 textbook selections in accordance with the provisions of
4 sections 75-7519 or 75-7603;

5 (21) notify the superintendent of public instruction of
6 a textbook dealer's activities when required under the
7 provisions of section 75-7607, and otherwise comply with the
8 textbook dealer provisions of this ~~title~~ title;

9 (22) act on district requests to allocate federal
10 moneys for indigent children for school food services in
11 accordance with the provisions of section 75-8006; and

12 (23) perform any other duty prescribed from time to
13 time by this ~~title~~ title, any other act of the legislature,
14 the policies of the board of public education, or the rules
15 ~~and---regulations~~ of the superintendent of public
16 instruction."

17 Section 5. Section 75-5913, R.C.M. 1947, is amended to
18 read as follows:

19 "75-5913. Filling vacated trustee position, appointee
20 qualification, and term of office. (1) Whenever a trustee
21 position becomes vacant in any district except a ~~third-class~~
22 ~~third-class~~ district, the remaining members of the trustees
23 shall declare such position vacant and they shall appoint,
24 in writing, a competent person as a successor. The trustees
25 shall notify the appointee and the county superintendent of

1 such appointment.

2 (2) Whenever a trustee position becomes vacant in a
3 ~~third--class~~ ~~third-class~~ district, the remaining members of
4 the trustees shall declare such position vacant and notify
5 the county superintendent of the vacancy. The county
6 superintendent shall appoint, in writing, a competent person
7 as a successor and notify such person of his appointment.

8 (3) Any person who has been appointed to a trustee
9 position shall qualify by completing and filing an oath of
10 office with the county superintendent within ~~in--not--less~~
11 ~~than--fifteen~~ (15) days after receiving notice of his
12 appointment. Failure to file the oath of office shall
13 constitute a continuation of the trustee position vacancy
14 which shall be filled under the provisions of this section.

15 (4) Any person assuming a trustee position under the
16 provisions of this section shall serve until the next
17 regular school election and his successor has qualified."

18 Section 6. Section 75-5932, R.C.M. 1947, is amended to
19 read as follows:

20 "75-5932. General powers and duties and record of
21 acts. (1) The trustees of each district shall ~~have-the-power~~
22 ~~and-it-shall-be-its-duty-to~~ prescribe and enforce policies
23 for the government of the district. In order to provide a
24 comprehensive system of governing the district, the trustees
25 shall:

1 ~~(1)(a)~~ adopt the policies required by this title; and
 2 ~~(2)(b)~~ adopt policies to implement or administer the
 3 requirements of the general law, this ~~title~~ title, the
 4 policies of the board of public education, or ~~and~~ the rules
 5 ~~and regulations~~ of the superintendent of public instruction.
 6 (2) The trustees shall keep a full and permanent
 7 record of all adopted policies and all other acts of the
 8 trustees. Minutes of each regular and special board
 9 meeting shall include wording of motions, voting records of
 10 each trustee present, and all other pertinent information,
 11 including a detailed statement of all expenditures of money,
 12 with the name of any person or business to whom payment is
 13 made, and showing the service rendered or goods furnished. A
 14 written copy of the minutes shall be made available within
 15 ~~five~~ (5) working days following the approval of the minutes
 16 by the board, at a cost of no more than ~~fifteen~~ 15 cents
 17 ~~(~~15~~)--per~~ a page to be paid by those who request such a
 18 copy. One free copy of the minutes shall be provided to the
 19 local press within ~~five~~ (5) working days following the
 20 approval of the minutes by the board. The board shall
 21 approve the minutes of each special and regular meeting no
 22 later than ~~one~~ (1) month following the meeting. If a board
 23 does not regularly meet on a monthly basis, a meeting of the
 24 trustees shall be called no later than ~~one~~ (1) month
 25 following each regular meeting for the purpose of approving

1 the minutes of the previous meeting."

2 Section 7. Section 75-5935, R.C.M. 1947, is amended to
 3 read as follows:

4 "75-5935. Clerk of the district. As provided in
 5 section 75-5927, the trustees shall employ and appoint a
 6 clerk of the district. ~~It shall be the duty of the~~ The clerk
 7 of the district to shall attend all meetings of the trustees
 8 to keep an accurate and permanent record of all the
 9 proceedings of each meeting. If the clerk is not present at
 10 a meeting, the trustees shall have one of ~~its~~ their members
 11 or a district employee act as clerk for ~~such~~ the meeting,
 12 and such person shall supply the clerk with a certified copy
 13 of the proceedings. The clerk of the district also shall be
 14 the custodian of all documents, records, and reports of the
 15 trustees. Unless the trustees provide otherwise, the clerk
 16 shall:

17 (1) keep an accurate and detailed accounting record of
 18 all receipts and expenditures of the district in accordance
 19 with the financial administration provisions of this ~~title~~
 20 title; and

21 (2) prepare the annual trustees' report required under
 22 the provisions of subsection (5) of section 75-6806 ~~and~~
 23 ~~(3)--make--an--annual--census--of--all--the--children--of--the~~
 24 ~~district--in--accordance--with--sections--75--5936--and--75--5937."~~

25 Section 8. Section 75-6304, R.C.M. 1947, is amended to

1 read as follows:

2 "75-6304. Compulsory attendance and excuses. Any
3 parent, guardian, or other person who is responsible for the
4 care of any child who is ~~seven~~ 7 years of age or older
5 prior to the first day of school in any school fiscal year,
6 but has not yet reached his ~~sixteenth~~ 16th birthday, or-of-a
7 child--who and has not completed the work of the eighth
8 grader, shall cause the child to attend the school in which
9 he is enrolled for the school term and each school day
10 therein prescribed by the trustees of the district unless:

11 (1) the child has been excused under one of the
12 conditions specified in ~~section~~ 75-6303;

13 (2) the child is absent because of illness,
14 bereavement, or other reason prescribed by the policies of
15 the trustees; or

16 (3) the child has been suspended or expelled under the
17 provisions of ~~section~~ 75-6311."

18 Section 9. Section 75-6313, R.C.M. 1947, is amended to
19 read as follows:

20 "75-6313. Elementary tuition with mandatory approval.

21 (1) Any child may be enrolled in and attend an elementary
22 school outside of the elementary district in which he
23 resides when such elementary school is located:

24 (1)(a) in any other district of the county of his
25 residence;

1 ~~(2)(b)~~ in a county adjoining his county of residence;

2 or

3 ~~(3)(c)~~ in a district of another state that is adjacent
4 to the county of his residence.

5 (2) When a parent or guardian of a child wishes to
6 have his child attend a school under the provisions of this
7 section, he shall apply to the county superintendent of the
8 county of his residence before ~~the first day of~~ July 1 of
9 the school fiscal year for which he seeks approval except in
10 those cases when substantial changes in circumstances
11 occurred subsequently to justify later application. ~~Such~~ The
12 application shall be made on a tuition agreement form
13 supplied by the county superintendent and shall be approved,
14 before permission to enroll in and attend school outside of
15 the district under the provisions of this section may be
16 granted; or:

17 (1)(a) the trustees of the elementary district in
18 which the child resides;

19 ~~(2)(b)~~ the trustees of the district where the child
20 wishes to attend school; and

21 ~~(3)(c)~~ the county superintendent of the child's
22 residence, ~~before permission to enroll in and attend a~~
23 ~~school outside of the district under the provisions of this~~
24 ~~section shall be granted.~~

25 (3) In considering the approval of a tuition

1 application, the tuition approval agents prescribed in this
2 section shall approve such application for a resident child
3 when:

4 ~~(1)(a)~~ the child resides less than three (3) miles
5 from the school which he wishes to attend and more than
6 three (3) miles from any school of his resident elementary
7 district;

8 ~~(2)(b)~~ the child resides more than three (3) miles
9 from any school of his resident elementary district and such
10 district does not provide transportation under the
11 provisions of this ~~title~~ title;

12 ~~(3)(c)~~ the child resides more than three (3) miles
13 from any school of his resident elementary district, and the
14 resident district does not provide transportation under the
15 provisions of this ~~title~~ title, and school bus
16 transportation is furnished by the district operating the
17 school which he wishes to attend;

18 ~~(4)(d)~~ the child is a member of a family who must send
19 another child outside of the elementary district to attend
20 high school and the child of elementary age may more
21 conveniently attend an elementary school where the high
22 school is located, provided ~~such the~~ child resides more
23 than three (3) miles from an elementary school of the
24 resident district or the parent must move to the elementary
25 district where the high school is located in order to enroll

1 the other child in high school; or

2 ~~(5)(e)~~ the child has been declared by a district court
3 ~~of competent jurisdiction to be an abused, neglected, or~~
4 ~~dependent~~ ~~--dependent--and-neglected~~ child, as defined in
5 ~~section--10-501 10-1301, Rev.May--1947, or a juvenile~~
6 ~~delinquent child youth~~, as defined in ~~10-1203, --section~~
7 ~~10-602, Rev.May-1947, and such child has been ordered to be~~
8 placed in a duly licensed child care institution which is
9 also approved by the state department of social and
10 rehabilitation services public-welfare, and as a result of
11 the order the child is required to attend elementary school
12 outside of the district of his residence. For purposes of
13 this subsection the prescribed geographic relationship of
14 the receiving district to the district of residence ~~shall~~
15 ~~does~~ not apply.

16 ~~(4)~~ The trustees of the district where the school to
17 be attended is located ~~shall--have--the-authority-to may~~
18 disapprove a tuition agreement that satisfies any of the
19 mandatory approval conditions specified in subsections
20 ~~(1)(3)(a), (2)(3)(b), (3)(3)(c), (4)(3)(d), or (5)(3)(e)~~
21 above when they ~~shall~~ find that due to insufficient room and
22 overcrowding the accreditation of the school would be
23 adversely affected by the acceptance of the child. In the
24 event of disapproval, the trustees shall so notify the
25 parent in writing within ~~fifteen (15)~~ days of the first

1 receipt of the application."

2 Section 10. Section 75-6410, R.C.M. 1947, is amended
3 to read as follows:

4 "75-6410. Qualifications of elector. ~~Every (1). Except~~
5 ~~as provided in subsection (2), each~~ person is entitled to
6 vote at school elections if he has all of the following
7 qualifications:

8 ~~(1)(a)~~ He has registered to vote with the county
9 registrar as a resident in the school district in which he
10 resides and proposes to vote in the manner provided by the
11 general state election laws except in regard to the closure
12 of elector registration as provided in ~~section 75-6413~~.

13 ~~(2)(b)~~ He is ~~eighteen (18)~~ years of age or older.

14 ~~(3)(c)~~ He has been a resident of Montana for at least
15 ~~thirty (30)~~ days, and

16 ~~(4)(d)~~ He is a citizen of the United States.

17 ~~(2)~~ No person convicted of a felony has the right to
18 vote while he is serving a sentence in a penal institution.

19 ~~(3)~~ No person adjudicated to be mentally incompetent
20 ~~of unsound mind~~ has the right to vote unless he has been
21 restored to capacity as provided by law."

22 Section 11. Section 75-6412, R.C.M. 1947, is amended
23 to read as follows:

24 "75-6412. Elector challenges. ~~(1)~~ An elector may
25 challenge the qualifications of another elector under the

1 provisions of ~~section 23-3015~~. Any person offering to vote
2 in a school election may be challenged by any elector of the
3 district on any of the grounds for challenge established in
4 ~~section 23-3611, R.C.M. 1947~~. Such ~~the~~ challenge shall be
5 determined in the same manner, using the same oath as
6 provided in chapter 36 of Title 23, ~~R.C.M. 1947~~.

7 ~~(2)~~ Any person who ~~shall--have~~ has been challenged
8 under any of the provisions of this section and who ~~shall~~
9 ~~swear swears~~ or ~~affirm affirms~~ falsely before any school
10 election judge ~~shall-be is~~ guilty of perjury ~~false swearing~~
11 and ~~shall-be-punished-accordingly~~ is punishable as provided
12 in 94-7-203."

13 Section 12. Section 75-6523, R.C.M. 1947, is amended
14 to read as follows:

15 "75-6523. ~~Counter-proposed~~ Counterproposed high school
16 district boundaries by electors and election. ~~(1)~~ Whenever
17 a high school boundary commission issues an order to change
18 high school district boundary lines, ~~twenty-per-cent (20%)~~
19 or more of the electors of any elementary district with
20 territory affected by the high school boundary change who
21 are qualified to vote under ~~the--provisions--of--section~~
22 75-6410 may protest the boundaries established by the order
23 of the commission within ~~thirty-(30)~~ 30 days after the date
24 of ~~the~~ such order. Such ~~the~~ protest shall be in the form of
25 a petition addressed to the county superintendent and ~~it~~

1 shall provide a ~~counter-proposition~~ ^a counterproposition to
 2 the new high school boundaries established by the order of
 3 the commission for the disposition of the territory of the
 4 elementary district for high school districting purposes.
 5 The provisions of this section shall not be used in
 6 elementary districts that have approved high school
 7 boundaries under ~~the-provisions-of-section 75-6522.~~

8 (2) When the county superintendent receives a valid
 9 petition from an elementary district, he shall, within ten
 10 (10) days after the receipt of such ~~the~~ petition, ~~and as~~
 11 ~~provided-by-section-75-6423,~~ order the trustees of such ~~the~~
 12 elementary district to call an election to consider the high
 13 school boundary ~~counter--proposition~~ counterproposition
 14 described in ~~the~~ such petition. The trustees shall call and
 15 conduct the election in the manner prescribed in this ~~title~~
 16 ~~title~~ for school elections. An elector who may vote on the
 17 proposition shall be qualified to vote under ~~the--provisions~~
 18 ~~of--section 75-6410.~~ If a majority of the electors voting at
 19 the election approve the ~~counter-proposition~~
 20 counterproposition, the high school boundaries described by
 21 the ~~counter-proposition~~ counterproposition shall be
 22 approved, and the order of the high school boundary
 23 commission shall be amended to establish such high school
 24 boundaries. If a majority of the electors voting at such ~~the~~
 25 election disapprove the ~~counter-proposition~~

1 counterproposition, the order of the high school boundary
 2 commission shall be confirmed and shall be final."

3 Section 13. Section 75-6606, R.C.M. 1947, is amended
 4 to read as follows:

5 "75-6606. Budgeting and cost-sharing when junior high
 6 school operated by elementary district and high school
 7 district operating a county high school. (1) Whenever the
 8 opening of a junior high school is approved for the ensuing
 9 school fiscal year under ~~the-provisions-of-section 75-6605,~~
 10 the county superintendent shall estimate the average number
 11 belonging (ANB) after investigating the probable enrollment
 12 for the junior high school. The ANB determined by the county
 13 superintendent and the ANB actually realized in subsequent
 14 school fiscal years shall be applied under ~~the-provisions-of~~
 15 ~~subsection--(10)--of--section 75-6905~~ to prorate the
 16 ~~maximum-general-fund-budget-without-a-voted-levy~~ between the
 17 elementary and high school districts. Each district shall
 18 adopt its general fund budget on the basis of such ~~the~~
 19 prorated amount and shall finance its proportionate share of
 20 the cost of operating the junior high school.

21 (2) The cost of operating the junior high school shall
 22 be prorated between the elementary district and the high
 23 school district on the basis of the ratio that the number of
 24 pupils of their district is to the total enrollment of the
 25 junior high school."

Section 14. Section 75-6701, R.C.M. 1947, is amended to read as follows:

"75-6701. Application of budget system for districts. The school budgeting procedure and provisions of this ~~title~~ title shall apply to elementary, ~~and~~ high school and ~~community--college~~ districts, and to all funds requiring the adoption of a budget. Each district shall separately propose and adopt a budget in accordance with the requirements of this ~~title~~ title."

Section 15. Section 75-6802, R.C.M. 1947, is amended to read as follows:

"75-6802. Application of law and superintendent of public instruction supervision. The school financial administration provisions of this ~~title~~ title shall apply to all moneys of any elementary or high school district or ~~any community--college--district,~~ excepting ~~except~~ the ~~extra-curricular~~ extracurricular moneys realized from pupil activities. The superintendent of public instruction ~~shall~~ has have general supervision supervisory authority over the school financial administration provisions as prescribed by law and shall ~~have the duty to~~ establish such rules and ~~regulations~~ as are necessary to secure compliance with the law."

Section 16. Section 75-6807, R.C.M. 1947, is amended to read as follows:

"75-6807. Examination of district accounting records. ~~(1) The accounting records of all districts first--and second-class--district--and--each--third-class--district maintaining a high school shall be audited annually by the department of community affairs state-examiner in accordance with 82-4516 section-82-1008, R.C.M., 1947.~~

~~(2) Annually and at such other times as directed by the board of county commissioners or trustees, the county auditor, or the county treasurer if there is no county auditor, shall audit the accounting records of each third-class district that does not maintain a high school. Such district shall deliver all accounting records to the auditing county official no later than the-fifteenth-day-of July 15 for the audit of the financial activity of the last completed school fiscal year. The auditing county official shall examine the accounting records, prepare an audit report, and shall:~~

~~(1)(a) return the accounting records to the district no later than the-fifteenth-day-of August 15;~~

~~(2)(b) send a copy of the audit report to the chairman of the trustees; and~~

~~(3)(c) file copies of the audit report with the county superintendent and the county clerk and recorder."~~

Section 17. Section 75-6808, R.C.M. 1947, is amended to read as follows:

1 "75-6808. Pecuniary interests, letting contracts, and
2 calling for bids, under certain circumstances. (1) It shall
3 be unlawful for any trustee to:

4 (1) have any pecuniary interest, either directly or
5 indirectly, in any contract for the erection of any school
6 building or for warming, ventilating, furnishing, or
7 repairing the same; or

8 (2) be in any manner connected with the furnishing
9 of supplies for the maintenance and operation of the
10 schools; or

11 (3) be employed in any capacity by the school
12 district of which he is trustee.

13 (2) Whenever the estimated cost of any building,
14 furnishing, repairing, or other work for the benefit of the
15 district or purchasing of supplies for the district exceeds
16 the sum of four thousand dollars (\$4,000.00), the work done
17 or the purchase made shall be by contract. Each such
18 contract must be let to the lowest responsible bidder after
19 advertisement for bids. Such advertisement shall be
20 published in the newspaper which will give notice to the
21 largest number of people of the district as determined by
22 the trustees. Such advertisement shall be made once each
23 week for two consecutive weeks and the second publication
24 shall be made not less than five (5) days nor more than
25 twelve (12) days before consideration of bids. Any A

1 contract not let pursuant to this section shall be void.

2 (3) In all cases where whenever bidding is required,
3 the trustees shall award the contract to the lowest
4 responsible bidder, except that the trustees shall have the
5 right to may reject any or all bids.

6 (4) With regard to contracting for work or supplies,
7 the board of trustees of a community college district are
8 shall be subject to the provisions of section 75-8118."

9 Section 18. Section 75-6914, R.C.M. 1947, is amended
10 to read as follows:

11 "75-6914. Apportionment of county equalization moneys
12 by county superintendent. The county superintendent shall
13 separately apportion the revenues deposited in the basic
14 county tax account and the revenues deposited in the basic
15 special tax for high schools account to the several
16 districts of the county on a quarterly basis. The such
17 apportionments shall be known as "county equalization
18 moneys." Before the county superintendent makes the
19 quarterly apportionments, he shall:

20 (1) deduct from the revenues available in the basic
21 county tax account, the amount required for the quarter to
22 pay the county's obligation for elementary transportation
23 reimbursements; and

24 (2) deduct from the revenues available in the basic
25 special tax for high schools account, the amount required

1 from ~~for~~ the quarter to pay the county's obligation for high
2 school out-of-county tuition."

3 Section 19. Section 75-7016, R.C.M. 1947, is amended
4 to read as follows:

5 "75-7016. Determining residence. When the residence of
6 an eligible transportee is a matter of controversy and is an
7 issue before a board of trustees, a county transportation
8 committee, or the superintendent of public instruction, ~~the~~
9 ~~such~~ residence shall be established on the basis of the
10 general state residence law as provided in ~~section~~ 83-303,
11 ~~R.C.M. 1947. Where~~ ~~Whenever~~ any district or county is
12 determined to be responsible for paying tuition for any
13 pupil in accordance with ~~sections~~ 75-6313, 75-6314, ~~and~~ ~~or~~
14 75-6316, the residence of the pupil for tuition purposes
15 ~~shall--be~~ ~~is~~ the residence of ~~such~~ ~~the~~ pupil for
16 transportation purposes."

17 Section 20. Section 75-7017, R.C.M. 1947, is amended
18 to read as follows:

19 "75-7017. Determination of mileage distances. When the
20 mileage ~~district distance~~ that transportation services are
21 to be provided is a matter of controversy and is an issue
22 before a board of trustees, a county transportation
23 committee, or the superintendent of public instruction, ~~such~~
24 ~~the~~ mileage shall be established on the following basis:

25 (1) The distance in mileage shall be measured by a

1 vehicle equipped with an accurate odometer~~ts~~.

2 (2) A representative of the applicable district and a
3 parent or guardian of the child to be transported shall be
4 present when the distance is measured~~ts~~.

5 (3) The measurement shall begin ~~six~~ ~~{6}~~ yards from the
6 family home and ~~ends~~ ~~and~~ ~~six~~ ~~{6}~~ yards from the entrance of
7 the school grounds closest to the route~~ts~~ and~~s~~.

8 (4) The route traversed for the measurement shall be
9 the route designated by the trustees, except that ~~such~~ ~~the~~
10 route shall be reasonably passable during the entire school
11 fiscal year by the vehicle that provides the child's
12 transportation. In determining reasonable passage, a route
13 ~~shall~~ ~~may~~ not be disqualified because it is impassable
14 during temporary, extreme weather conditions such as rains,
15 snow, or floods."

16 Section 21. Section 75-7018, R.C.M. 1947, is amended
17 to read as follows:

18 "75-7018. Schedule of maximum reimbursement by bus
19 mileage rates. ~~11~~ The following bus mileage rates for
20 school bus transportation constitute the maximum
21 reimbursement to districts for school bus transportation
22 from state and county sources of transportation revenue
23 under the provisions of ~~sections~~ 75-7022 and 75-7023. These
24 rates shall not limit the amount which a district may budget
25 in its transportation fund budget in order to provide for

1 the estimated and necessary cost of[^] school bus
2 transportation during the ensuing school fiscal year. Any
3 vehicle, the operation of which is ~~The--operation--of--any~~
4 ~~vehicle~~ reimbursed under the rate provisions of this
5 schedule, shall be a school bus, as defined by this ~~title~~
6 ~~title~~, driven by a qualified driver on a bus route approved
7 by the county transportation committee and the
8 superintendent of public instruction.

9 ~~{1}{21}~~ The rate per bus mile traveled shall be
10 determined in accordance with the following schedule when
11 the number of eligible transportees boarding such school bus
12 on an approved route is not less than ~~seventy-five-per-cent~~
13 ~~{75%}~~ of its rated capacity:

14 (a) ~~thirty-five 35 cents {35}~~ per bus mile for a
15 school bus with a rated capacity of not less than ~~twelve~~
16 ~~{12}~~ but not more than ~~fifty {50}~~ children; and

17 (b) when the rated capacity is more than ~~fifty {50}~~
18 children, an additional ~~two 2 cents {2}~~ per bus mile for
19 each additional child in the rated capacity in excess of
20 ~~fifty {50}~~ shall be added to a base rate of ~~35 thirty-five~~
21 ~~cents {35}~~ per bus mile.

22 ~~{2}{31}~~ When the number of eligible transportees
23 boarding a school bus on an approved route is less than
24 ~~seventy-five-per-cent {75%}~~ of its rated capacity, the rate
25 per bus mile traveled shall be computed as follows:

1 (a) determine the number of eligible transportees
2 boarding the school bus on such route;

3 (b) multiply the number determined in subsection ~~{2}~~
4 ~~{31}(a)~~ by ~~twenty-five--per-cent {25%}~~ and round-off to the
5 nearest whole number;

6 (c) add the amount calculated in subsection ~~{2}{31}(b)~~
7 to the number determined in subsection ~~{2}{31}(a)~~ to
8 determine the adjusted rated capacity for the bus; and

9 (d) use the adjusted rated capacity determined in
10 subsection ~~{2}{31}(c)~~ as the rated capacity of such bus to
11 determine the rate per bus mile traveled from the rate
12 schedule in subsection ~~{1}{21}~~ above.

13 ~~{4}~~ The rated capacity shall be the number of riding
14 positions of a school bus as determined under the policy
15 adopted by the board of public education."

16 Section 22. Section 75-7119, R.C.M. 1947, is amended
17 to read as follows:

18 "75-7119. Notice of sale of school district bonds. The
19 trustees shall cause the notice of the sale of the bonds to
20 be given. The notice shall state the purpose for which the
21 bonds are to be issued and the amount proposed to be issued,
22 and shall be substantially in the following form:

23 NOTICE OF SALE OF SCHOOL DISTRICT BONDS

24 Notice is hereby given by the trustees of School
25 District No. of County, state of Montana, that the

22 The bonds, whether amortization or serial bonds, will
23 bear date of, 19..., and will bear interest at a rate
24 not exceeding ~~seven-per-cent~~ (7%) per annum, payable
25 semiannually, on the day of (month) and

20 All bids should be addressed to the undersigned
21 district.

22
23 Chairman, School District No.
24 of County
25 Address:

1 ATTEST: Subscribed and sworn to before me this ¹.... day of
 2, 19.... Notary Public for the State Residing at
 3, Montana. My Commission expires"

4 Section 23. Section 75-7309, R.C.M. 1947, is amended
 5 to read as follows:

6 "75-7309. Gifts, legacies, devises, and administration
 7 of endowment fund. (1) The trustees of any district ~~may~~
 8 ~~shall have the authority and the power to~~ accept gifts,
 9 legacies, and devises, subject to the conditions imposed by
 10 the deed of the donor, or the will of the testator or
 11 without any conditions imposed. Unless otherwise specified
 12 by the donor, deviser, or testator, when a district receives
 13 a gift, legacy, or devise, the trustees shall deposit such
 14 gift, legacy, devise, or the proceeds therefrom in an
 15 endowment fund. The trustees shall administer the endowment
 16 fund so as to preserve the principal from loss, and only the
 17 income from ~~such the~~ fund shall be appropriated for any
 18 purpose.

19 (2) Unless the conditions of the endowment instrument
 20 require an immediate disbursement of ~~such the~~ money, the
 21 money deposited in the endowment fund shall be invested by
 22 the trustees, notwithstanding the provisions of any other
 23 state law, in:

24 ~~(3)(a)~~ school district bonds of the district;
 25 ~~(3)(b)~~ bonds of other school districts within the

1 state;

2 ~~(3)(c)~~ first mortgage bonds, debentures, notes, and
 3 other evidences of indebtedness ~~issued issues~~, assumed, or
 4 guaranteed by any solvent and operating public utility
 5 corporation existing under the laws of the United States of
 6 America or any state thereof which bonds, debentures, notes,
 7 and other evidences of indebtedness are, at the time of such
 8 investment, within the three ~~(3)~~ highest quality grades for
 9 the rating of such bonds, debentures, notes, and other
 10 evidences of indebtedness by any nationally recognized
 11 investment rating agency;

12 ~~(4)(d)~~ certificates of deposit of either Montana banks
 13 insured by the ~~Federal Deposit Insurance Corporation~~ federal
 14 deposit insurance corporation; or

15 ~~(5)(e)~~ direct obligations of the United States
 16 government.

17 (3) All interest collected on ~~such the~~ deposits or
 18 investments shall be credited to the endowment fund. No
 19 portion of the endowment fund ~~shall may~~ be loaned to the
 20 district nor ~~shall may~~ any money of ~~such the~~ fund be
 21 invested in warrants of the district.

22 (4) Whenever any district has been abandoned, the
 23 endowment fund of ~~such the~~ abandoned district shall be
 24 transferred and placed in the endowment fund in the district
 25 to which the territory is attached.

1 ~~(5)~~ As the custodian of the endowment fund, the county
 2 treasurer ~~shall be~~ is liable on his official bond for the
 3 endowment fund of any district of the county. No later than
 4 ~~the first day of July 1 of each school fiscal year, the~~
 5 county treasurer shall account to the trustees of each
 6 district on the condition of its endowment fund including
 7 the status of the investments that have been made with the
 8 money of the fund. The county treasurer shall also include
 9 the endowment fund in his reports to the board of county
 10 commissioners.

11 ~~(6)~~ The trustees of any district having an endowment
 12 fund shall provide suitable memorials for all persons or
 13 associations of persons making gifts to the district which
 14 become a part of the endowment fund."

15 Section 24. Section 75-7607, R.C.M. 1947, is amended
 16 to read as follows:

17 "75-7607. Notification and processing of complaint
 18 against a licensed textbook dealer. ~~(1) It shall be the~~
 19 ~~duty of any~~ A district or county superintendent to ~~shall~~
 20 notify the superintendent of public instruction whenever it
 21 is ascertained that a licensed textbook dealer is:

22 ~~(1) offering to supply textbooks without a license as~~
 23 ~~prescribed in section 75-7605;~~

24 ~~(2) (a)~~ offering to sell textbooks at a higher price
 25 than the listed uniform sales price filed with the

1 superintendent of public instruction;

2 ~~(3) (b)~~ offering to sell textbooks at a higher shipping
 3 point price than the shipping point price of the same
 4 textbooks distributed elsewhere in the United States; or

5 ~~(4) (c)~~ in any other way performing contrary to the
 6 laws regulating the offering of textbooks for sale or
 7 adoption to districts.

8 ~~(2)~~ Upon receipt of such notification from the
 9 district or county superintendent, the superintendent of
 10 public instruction shall notify the appropriate licensed
 11 textbook dealer of the complaint. ~~Once if~~ the superintendent
 12 of public instruction ~~has found~~ finds that the licensed
 13 textbook dealer has violated any provision of this section
 14 and he the dealer fails to rectify his error within ~~thirty~~
 15 ~~(30)~~ days of the notification of the finding of a violation,
 16 he shall forfeit his surety bond. The attorney general, upon
 17 written request of the superintendent of public instruction,
 18 shall proceed to collect by legal action the full amount of
 19 the surety bond. Any amount so recovered shall be paid into
 20 the state public school equalization aid account."

21 Section 25. Section 75-7709, R.C.M. 1947, is amended
 22 to read as follows:

23 "75-7709. Sources of financing for post-secondary
 24 postsecondary vocational-technical center budgets -- board
 25 of public education administration. ~~(1)~~ The total of the

budgets approved by the board of public education together with the budget for the cost of state administration of the post-secondary ~~postsecondary~~ vocational-technical centers shall constitute the total maximum approved, ~~state-wide~~ statewide budget which shall be financed as follows:

~~(1)(a)~~ The primary source of financing is to be those funds specifically designated by legislative enactment or referendum by the people for financing post-secondary ~~postsecondary~~ vocational-technical education in Montana.

~~(2)(b)~~ The board of county commissioners of each county in which a designated post-secondary ~~postsecondary~~ vocational-technical center is located is hereby authorized to levy a tax of not to exceed one ~~(1)~~ mill on the dollar of all taxable property, real and personal, within the county for the support and maintenance of the post-secondary ~~postsecondary~~ vocational-technical center located within the said county.

~~(3)(c)~~ Designated post-secondary ~~postsecondary~~ vocational-technical centers shall be eligible to receive such funds from the federal government as the board of public education may provide pursuant to applicable Acts of Congress acts of congress.

~~(4)(d)~~ The board of trustees of any designated high school district or county high school district where a post-secondary ~~postsecondary~~ vocational ~~vocational-technical~~

center is located may be required, as a condition for the construction in ~~such that~~ district of a post-secondary ~~postsecondary~~ vocational ~~vocational-technical~~ center, or any part thereof, to furnish up to fifty-percent ~~(50%)~~ of the amount of funds required for any such construction. The percentage of construction funds to be furnished by ~~such the~~ designated district shall be derived, in whole or in part, from any of the following sources:

~~(1)(i)~~ The ~~the~~ sale of bonds issued by ~~such that~~ district. ~~Such~~ ~~(such)~~ bonds shall be issued in conformity with the requirements of chapter 71 of ~~title~~ title 75 in the case of high school and county high school districts.

~~(2)(ii)~~ Any ~~any~~ other funds available to ~~such that~~ district which may be legally and properly applied toward such construction.

~~(3)(iii)~~ The ~~the~~ reasonable value of land, buildings, fixtures, or equipment furnished by ~~such that~~ district, subject to the approval of the board of public education.

~~(4)(e)~~ If the aggregate financing provided by sources of revenue in ~~(1)(i)(a)~~, ~~(2)(ii)(b)~~, and ~~(3)(iii)(c)~~ of ~~this~~ section does not provide one--hundred--per--cent ~~(100%)~~ financing of the maximum approved, ~~state-wide~~ statewide budget, the remaining deficiency shall be financed from any state funds appropriated by the legislature for post-secondary ~~postsecondary~~ vocational-technical education.

(2) The board of public education shall direct the distribution of the funds specified in subsections ~~(1)~~ (1)(a), (3)(1)(c), and (5)(1)(e) of this section on the basis of the budgets approved by the board of public education. The funds earned by the mill levy specified in subsection ~~(2)(1)(b)~~ of this section shall be credited by the county treasurer to the post-secondary postsecondary vocational-technical center fund.

(3) The board of public education shall determine the amount of financing available from these five sources of revenue and may approve budgets for maintenance and operation, construction, and ancillary services. The aggregate amount of the budgets so approved by the board of public education for post-secondary postsecondary vocational-technical centers shall not exceed the moneys determined to be available."

Section 26. Section 75-7801, R.C.M. 1947, is amended to read as follows:

"75-7801. Definitions. As used in this ~~title~~ title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Special education" means the kind of instruction requiring special facilities or programs for mentally retarded or physically handicapped children or for educationally handicapped persons.

(2) A "mentally retarded child" means any child who is not capable of profiting from the regular instruction of a school because his mental ability is substantially below the mental ability of an average child of the same age. Mentally retarded children are classified as follows:

(a) An "educable mentally retarded child" means a child who, at maturity, cannot be expected to attain a level of intellectual functioning greater than that commonly expected of an ~~eleven-year-old~~ 11-year-old child, but not less than that of a ~~seven-year-old~~ 7-year-old child.

(b) A "trainable mentally retarded child" means a child who, at maturity, cannot be expected to attain a level of intellectual functioning greater than that commonly expected of a ~~seven-year-old~~ 7-year-old child and, for entrance into a training program, is capable of walking, of clean body habits, and of obedience to simple commands.

(c) A "custodial mentally retarded child" means a child who does not show a likelihood of attaining clean body habits, responsiveness to directions, or means of intelligible communication.

(3) A "physically handicapped child" means a child who is capable of profiting from the regular instruction with the assistance of special equipment, special services, or transportation to compensate for physical disabilities such as, but not limited to, cardiac impairment, cerebral palsy,

1 chronic health problems, or inadequate speech, hearing, or
2 vision.

3 (4) An "educationally handicapped person" means a
4 child or young adult under the age of twenty-one (21) years
5 who requires special assistance to the extent that he cannot
6 reasonably profit from the regular education program. An
7 educationally handicapped person's learning disorders
8 include, but are not limited to, conditions which have been
9 referred to as visual perception handicaps, brain injury,
10 minimal brain dysfunction, dyslexia, behavioral
11 maladjustment, and or emotional disturbances. An
12 educationally handicapped person's disorders are not the
13 result of problems with visual acuity, hearing impairment,
14 physical handicaps, cultural or instructional factors, and
15 or mental retardation."

16 Section 27. Section 75-8132, R.C.M. 1947, is amended
17 to read as follows:

18 "75-8132. Tax levy. On the second Monday of August,
19 the board of county commissioners of any county where a
20 community college district is located shall fix and levy a
21 tax on all the real and personal property within the
22 community college district, at the rate required to finance
23 the three--(3) mandatory mill levy prescribed by subsection
24 ~~(1)~~ of section 75-8128(2) plus any approved additional levy.
25 When a community college district has territory in more than

1 one county, the board of county commissioners of each county
2 shall fix and levy the community college district tax on all
3 the real and personal property of the community college
4 district situated in its county."

5 Section 28. Section 75-8307, R.C.M. 1947, is amended
6 to read as follows:

7 "75-8307. Penalty. Unless otherwise specifically
8 provided by law, any person who ~~shall violate~~ violates any
9 ~~provisions~~ provision of this title ~~shall be deemed is~~
10 guilty of a misdemeanor and, if convicted by a court of
11 competent jurisdiction, shall be ~~fin~~ punished by a fine of
12 not less than ~~twenty-dollars~~ (\$20) or more than ~~two--hundred~~
13 ~~dollars~~ (\$200), or by imprisonment in the county jail for
14 not less than ~~five~~ (5) days or more than ~~thirty~~ (30) days,
15 or by both such fine and imprisonment."

16 Section 29. Section 75-8312, R.C.M. 1947, is amended
17 to read as follows:

18 "75-8312. Educational impact statements defined --
19 when required. When a county superintendent of schools finds
20 that a person intends to construct or locate a major
21 industrial facility, as defined in section 75-7104, or
22 intends to open a new strip mine, as defined by section
23 50-1603, within the county, the superintendent may require
24 such person to file with the county an educational impact
25 statement. An educational impact statement is a report

1 estimating the increased demands on public schools in the
2 county as a consequence of the major industrial facility or
3 strip mine. The statement shall indicate:

4 (1) the ~~numbers~~ number of persons~~---and---their~~
5 ~~anticipated-residential-distribution~~ to be employed during
6 the construction or preparation~~y~~ and during the operation of
7 the major industrial facility or strip mine and their
8 anticipated residential distribution;

9 (2) the ~~numbers~~ number and anticipated distribution of
10 persons employed in providing goods and services to the
11 persons enumerated in the preceding category;

12 (3) the ~~numbers~~ number of school age children
13 anticipated to be living with the persons enumerated in the
14 preceding categories; and

15 (4) the time periods covered by each preceding
16 estimate."

17 Section 30. Section 75-8404, R.C.M. 1947, is amended
18 to read as follows:

19 "75-8404. Prohibition against use of name of system.

20 (1) The state has the exclusive right to the name "the
21 Montana university system".

22 (2) No other institution of learning~~y~~ or corporation
23 ~~shall~~ may use the name "the Montana university system" or
24 similar name.

25 (3) The attorney general shall bring an action in the

1 name of the state against any person, association, or
2 corporation using the same or similar name.

3 (4) The penalty for violation of this section shall be
4 the dissolution of the corporation~~y~~ and a fine in a sum not
5 exceeding ~~five-hundred-dollars~~ (\$500)~~y~~ nor or less than one
6 ~~hundred-dollars~~ (\$100)."

7 Section 31. Section 75-8504, R.C.M. 1947, is amended
8 to read as follows:

9 "75-8504. Borrowing by regents. In carrying out the
10 above powers, the regents may:

11 (1) ~~Borrow~~ borrow money for any purpose or purposes
12 stated in this chapter, including, if ~~deemed~~ considered
13 desirable by the regents, the payment of interest on the
14 money borrowed for a facility during the construction
15 thereof and for ~~one~~ fl year thereafter and the creation of
16 a reserve for the payment of bond principal and interest~~i~~

17 (2) ~~Make~~ make purchases on a time or installment
18 basis~~i~~

19 (3) ~~Issue~~ issue bonds, notes~~i~~ and other securities,
20 negotiable or otherwise, secured as provided in this
21 section, including bearer bonds with appurtenant interest
22 coupons, which shall be fully negotiable notwithstanding any
23 limitation on the source of payment thereof, or fully
24 registered bonds~~y~~ or bonds registered as to ownership of
25 principal only~~i~~

(4) ~~Pledge~~ pledge for the payment of the purchase price of any facility or of the principal and interest on bonds, notes, or other securities authorized in this chapter or otherwise obligate:

(a) the net income received from rents, board, or both in housing, food service, and other facilities;

(b) receipts from student building, activity, union, and other special fees prescribed by the regents for all students; and

(c) other income in the form of gifts, bequests, contributions, federal grants of funds, including the proceeds or income from grants of lands or other real or personal property; receipts from athletic and other contests, exhibitions, and performances; and collections of admissions and other charges for the use of facilities including all use by other persons, firms, and corporations for athletic and other contests, exhibitions, and performances and for the conduct of their business, educational, or governmental functions;

(5) ~~Make~~ make payments on loans or purchases from any other available income not obligated for such ~~those~~ purposes, including receipts from sale of materials, equipment, and fixtures of such ~~the~~ facilities, or from sales of the facilities themselves other than land;

(6) ~~Secure~~ secure any bonds authorized hereunder by a

trust indenture between the regents and any bank or trust company within or without the state of Montana, or by a resolution establishing covenants of the regents with the holders of such bonds, relating to the construction, operation, use, and insurance of the facilities; the segregation, expenditure, and audit of accounts of the bond proceeds and of the income pledged; the establishment and collection of rents, charges, admissions, and fees sufficient to provide net income adequate for prompt payment of principal and interest on bonds and creation and maintenance of reserves for that purpose; and such other matters as the regents may determine to be necessary or desirable for the security and marketability of the bonds;

(7) ~~Issue~~ issue and sell or exchange bonds, secured as provided in this section, for the refunding of any outstanding bonds or other obligations ~~heretofore--or~~ hereafter issued before or after January 29, 1971, by the regents, subject to the following provisions:

(a) ~~Refunding~~ refunding bonds may, with the consent of the holders of the bonds to be refunded thereby, be exchanged at par plus accrued interest for all or part of such bonds, or may be sold at a price not less than par plus accrued interest. They may be secured by a pledge of the same revenue as the bonds refunded, or by a pledge of different or additional revenues received at the same unit

1 of the university. Nothing herein shall require the holder
2 of any outstanding bond to accept payment thereof or the
3 delivery of a refunding bond in exchange therefor, except in
4 accordance with the terms of ~~such the~~ outstanding bond.
5 Bonds may be issued to refund interest as well as principal
6 actually due and payable if the revenues pledged therefor
7 are not sufficient, but not to refund any bonds or interest
8 due which can be paid from revenues then on hand.

9 (b) Refunding ~~refunding~~ bonds may bear interest at a
10 rate lower or higher than the bonds refunded thereby, if
11 they are issued to refund matured principal or interest for
12 the payment of which revenues on hand are not sufficient, or
13 if they are issued to refund before maturity bonds issued
14 before January 1, 1965, for the purpose of releasing
15 revenues required for payment of the outstanding bonds
16 permitting the pledge thereof for the security of other
17 bonds as well as the refunding bonds, subject to the rights
18 of the holders of the outstanding bonds until those bonds
19 are fully paid and redeemed. Except as authorized in the
20 preceding sentence, refunding bonds shall not be issued
21 unless their average annual interest rate, computed to their
22 stated maturity dates and excluding any premium from such
23 computation, is at least ~~three-eighths-of-one-per-cent~~ $\{3/8$
24 of 1% less than the average annual interest rate on the
25 bonds refunded thereby, computed to their respective stated

1 maturity dates.

2 (c) ~~in in~~ any case where refunding bonds are issued
3 and sold ~~six~~ $\{6\}$ months or more before the earliest date on
4 which all bonds refunded thereby mature or are prepayable in
5 accordance with their terms, the proceeds of the refunding
6 bonds, including any premium and accrued interest, shall be
7 deposited in escrow with a suitable bank or trust company,
8 having its principal place of business within or without the
9 state, which is a member of the federal reserve system and
10 has a combined capital and surplus not less than one ~~11~~
11 million dollars-- ~~$\{ \$1,000,000 \}$~~ and shall be invested in ~~such~~
12 ~~the~~ amount and in securities maturing on ~~such the~~ dates and
13 bearing interest at ~~such the~~ rates ~~as shall~~ ~~which will~~ be
14 required to provide funds sufficient to pay when due the
15 interest to accrue on each bond refunded to its maturity or,
16 if it is prepayable, to the earliest prior date upon which
17 ~~such the~~ bond may be called for redemption from the proceeds
18 of the refunding bonds, and to pay and redeem the principal
19 amount of each ~~such~~ bond at maturity or, if prepayable, at
20 ~~said on that~~ redemption date, and any premium required for
21 redemption on ~~such that~~ date, ~~and the the~~ resolution or
22 indenture authorizing the refunding bonds shall irrevocably
23 appropriate for these purposes the escrow fund and all
24 income therefrom, and shall provide for the call of all
25 prepayable bonds in accordance with their terms. The

1 securities to be purchased with such escrow funds shall be
 2 limited to general obligations of the United States,
 3 securities whose principal and interest payments are
 4 guaranteed by the United States, and securities issued by
 5 the following United States government agencies: banks for
 6 ~~co-operatives~~ cooperatives, federal home loan banks, federal
 7 intermediate credit banks, federal land banks, and the
 8 federal national mortgage association. Such ~~the~~ securities
 9 shall be purchased simultaneously with the delivery of the
 10 refunding bonds.

11 (d) ~~Revenues~~ revenues or other funds on hand, in
 12 excess of amount pledged by resolutions or indentures
 13 authorizing outstanding bonds for the payment of principal
 14 and interest currently due thereon and reserves securing
 15 such payment, may be used to pay the expenses incurred by
 16 the regents for the purpose of such refunding, including but
 17 without limitation the cost of advertising and printing
 18 refunding bonds, legal and financial advice and assistance
 19 in connection therewith, and the reasonable and customary
 20 charges of escrow agents and paying agents. Revenues and
 21 other funds on hand, including reserves pledged for the
 22 payment and security of outstanding revenue bonds, may be
 23 deposited in an escrow fund created for the retirement of
 24 such ~~those~~ bonds and may be invested and disbursed as
 25 provided in subsection (c) hereof, to the extent consistent

1 with the resolutions or indentures authorizing such
 2 outstanding bonds.

3 (8) ~~Sett~~ sell bonds and sell or exchange refunding
 4 bonds issued hereunder in such ~~the~~ manner and upon such ~~the~~
 5 terms as to maturities, interest rates, and redemption
 6 privileges, and for such ~~the~~ price, as ~~that~~ the regents
 7 shall determine with the approval of the ~~department of~~
 8 administration state-controller."

9 Section 32. Section 75-8609, R.C.M. 1947, is amended
 10 to read as follows:

11 "75-8609. Control of expenditures. Pursuant to the
 12 terms of appropriations of the ~~legislative--assembly~~
 13 legislature or of ~~Congress~~ congress or of gifts of donors,
 14 the regents shall determine the need for all expenditures,
 15 and control the purposes for which all funds shall be spent,
 16 subject to the provisions of the law dealing with ~~state~~
 17 purchases ~~the-state-purchasing-agent.~~"

18 Section 33. Section 75-8703, R.C.M. 1947, is amended
 19 to read as follows:

20 "75-8703. Presumptions and rules as to domicile.
 21 ~~(1)~~ Unless the contrary appears to the unit registering
 22 authority, it is presumed ~~that the domicile of a minor is~~
 23 that:

24 ~~{1}--The-domicile-of-a-minor-is-that:~~

25 (a) of the parents, or, if one of them is deceased or

1 they do not share the same domicile, of the parent having
2 legal custody, or, if neither parent has legal custody, the
3 parent with whom the minor customarily resides; or

4 (b) of his guardian when the court appointing the
5 guardian certifies that the primary purpose of the
6 appointment is not to qualify the minor as a resident of
7 this state; or,

8 (2) A resident student who marries a nonresident does
9 not by that fact alone lose resident status for tuition and
10 fee purposes for a period of four (4) years after marriage.

11 (3) Except as provided in the next subsection,
12 residence is not gained or lost because of relocation as a
13 member of the armed forces of the United States.

14 (4) Residence may be gained by a member of the armed
15 forces of the United States, his spouse, or his children by
16 living in Montana for one (1) year, and complying with the
17 provisions of this section.

18 (5) A new domicile is established by a qualified
19 person if he is physically present in Montana with no
20 intention to acquire a domicile outside of Montana.

21 (6) Domicile is not lost by absence from Montana with
22 no intention to establish a new domicile.

23 (7) Montana high school graduates are resident
24 students of the system for four (4) consecutive years of
25 attendance if:

1 (a) they apply for admittance to the system within one
2 (1) year after graduation; or

3 (b) their parents or the parent having legal custody,
4 or, if neither parent has legal custody, the parent with
5 whom they customarily reside have ~~has~~ resided in Montana in
6 one (1) of the two (2) years immediately preceding the
7 graduation.

8 (8) Upon moving to Montana, an adult employed on a
9 full-time basis within the state of Montana may apply for
10 in-state tuition classification for his spouse or any
11 dependent minor child or both. If such person meets the
12 requirement of full-time employment within the state of
13 Montana and files for the payment of Montana state income
14 taxes, or files estimates of such ~~those~~ taxes, or is subject
15 to withholding of said ~~those~~ taxes, and renounces his
16 residency in any other state, and is not himself in the
17 state primarily as a student, his spouse or any dependent
18 minor child, or both, may at the next registration after
19 qualifying be classified at the in-state rate, so long as he
20 continues his Montana domicile. In the administration of
21 this subsection paragraph, neither the full-time employee or
22 spouse shall be eligible for in-state tuition classification
23 if the primary purpose for coming to Montana was the
24 education of the employee or spouse."

25 Section 34. Section 75-8705, R.C.M. 1947, is amended

1 to read as follows:

2 "75-8705. Indians -- nonpayment of fees. (1) Persons
3 of one-fourth ~~(1/4)~~ Indian blood or more and who are bona
4 fide residents of the state of Montana for at least one ~~(1)~~
5 year prior to enrollment in the Montana university system,
6 completing have completed a four-(4)-year 4-year course of
7 in an accredited high school or federal Indian school, and
8 show showing financial need and evidence of studious and
9 industrious habits, may enroll in the university system
10 without the payment of fees.

11 (2) Each unit shall make rules governing the selection
12 of these students."

13 Section 35. Section 75-9108, R.C.M. 1947, is amended
14 to read as follows:

15 "75-9108. ~~Anti-discrimination~~ Antidiscrimination. No
16 employer is eligible to employ any person under this program
17 which if the employer practices discrimination in employment
18 against any individual because of race, creed, religion,
19 color, political ideas, sex, or age, marital status,
20 physical or mental handicap, ancestry, or national origin."

21 Section 36. Section 75-9215, R.C.M. 1947, is amended
22 to read as follows:

23 "75-9215. Civil relief. Any person ~~or-persons~~ claiming
24 loss or damage as a result of any act or practice by a
25 postsecondary institution or its agent, or both, which act

1 or practice violates the criteria established by the
2 department under ~~section--6--(75-9206)~~ ~~of-this-act~~ or the
3 prohibitions in ~~section-6-(75-9208)~~ ~~of-this-act~~, may sue in
4 a court of proper jurisdiction of this state the institution
5 ~~of~~ or the agent, or both, and their sureties for the amount
6 of ~~such the~~ damage or loss and, if successful, shall be
7 awarded, in addition to damages, court costs and reasonable
8 attorney's fees."

9 Section 37. Section 75-9216, R.C.M. 1947, is amended
10 to read as follows:

11 "75-9216. Bonds required. (1) At the time application
12 is made for license, the department may require the
13 postsecondary educational institution making ~~such the~~
14 application to file with the department a good and
15 sufficient surety bond in such sum as may be determined by
16 the department. ~~Said the~~ bond shall be executed by the
17 applicant as principal and by a surety company qualified and
18 authorized to do business in this state. The bond shall be
19 conditioned to provide indemnification to any student or
20 enrollee or his parent or guardian, or class thereof,
21 determined to have suffered loss or damage as a result of
22 any act or practice which is a violation of this act by ~~the~~
23 ~~said~~ postsecondary educational institution, and that the
24 bonding company shall pay any final, nonappealable judgment
25 rendered by any court of this state having jurisdiction,

1 upon receipt of written notification thereof. Regardless of
2 the number of years that ~~such the~~ bond is in force, the
3 aggregate liability of the surety thereon shall in no event
4 exceed the penal sum of the bond. The bond shall be for ~~two~~
5 ~~{2}~~ years or coterminous with the license.

6 (2) An application for a permit shall be accompanied
7 by a good and sufficient surety bond in a penal sum of one
8 ~~thousand--dollars~~ ~~{ \$1,000 }~~. ~~Said the~~ bond shall be executed
9 by the applicant as principal and by a surety company
10 qualified and authorized to do business in this state. The
11 bond may be in blanket form to cover more than one agent for
12 a postsecondary educational institution, but it shall cover
13 each agent for ~~said the~~ institution in a penal sum of one
14 ~~thousand--dollars~~ ~~{ \$1,000 }~~. The bond shall be conditioned to
15 provide indemnification to any student, enrollee, or ~~his-or~~
16 ~~her the~~ parents or guardian, or class thereof, determined to
17 have suffered loss or damage as a result of any act or
18 practice which is a violation of this act by ~~said the~~ agent,
19 and that the bonding company shall pay any final,
20 nonappealable judgment rendered by any court of this state
21 having jurisdiction upon receipt of written notification
22 thereof. Regardless of the number of years that ~~such the~~
23 bond is in force, the aggregate liability of the surety
24 thereon shall in no event exceed the penal sum thereof. The
25 bond shall be for ~~two~~ ~~{2}~~ years or coterminous with the

1 permit.

2 (3) The surety bond to be filed hereunder shall cover
3 the period of the license or the permit except when a surety
4 ~~is shall--be~~ released ~~as-provided-herein~~. A surety on any
5 bond filed under the provisions of this section may be
6 released after ~~such the~~ surety ~~shall--serve~~ has served
7 written notice to the department ~~forty~~ ~~{40}~~ days prior to
8 ~~said the~~ release, but ~~the~~ ~~said~~ release ~~shall--does~~ not
9 discharge or otherwise affect any claim ~~theretofore--or~~
10 thereafter filed by a student or enrollee or his parent or
11 guardian for loss or damage resulting from any act or
12 practice which is a violation of this act alleged to have
13 occurred while the bond was in effect, ~~nor or for from~~ an
14 institution's ceasing operations during the term for which
15 tuition has been paid while the bond was in force.

16 (4) A license for an institution to operate or a
17 permit to an agent shall be suspended by operation of law
18 when ~~said the~~ institution or agent is no longer covered by a
19 surety bond as required by this section; but the department
20 shall cause the institution or an agent, or both, to receive
21 at least ~~thirty--{30}--days~~ days written notice prior to the
22 release of the surety to the effect that the license or
23 permit shall be suspended by operation of law until another
24 surety bond ~~shall--be~~ is filed in the same manner and like
25 amount as the bond being terminated."

-End-

Section 38. Section 80-102, R.C.M. 1947, is amended to read as follows:

"80-102. Montana state school for deaf and blind independent institution -- rights saved. The school for the deaf and blind, formerly located at Boulder in connection with the Montana state training school, but heretofore transferred before July 1, 1943, to the city of Great Falls, shall be known and designated as the Montana state school for the deaf and blind, and shall be conducted as a separate and independent unit and institution of the state of Montana, under the general supervision, direction, and control of the state board of public education, with a local executive board to be appointed in the manner, and to have the powers, authority, and duties granted to and required of such that board, by the provisions of 75-8510 and 75-8511, ~~sections--75-362--to--75-369;~~ provided--that However, the transfer of such that school, or any change in the name thereof, or in the objects or purposes thereof, shall may not be deemed considered or construed to impair or work any forfeiture or alteration of any rights, grants, or property heretofore made to or acquired by such that school or by the state for the use and benefit of such that school, prior to July 1, 1943."

Section 39. Repealer. Sections 80-110 and 80-112, R.C.M. 1947, are repealed.

MINUTES OF THE MEETING
EDUCATION COMMITTEE
MONTANA STATE SENATE

January 6, 1977

The first meeting of the Senate Education Committee was called to order by Chairman Senator Chet Blaylock on the above date in Room 402 of the State Capitol Building at 11:00 A. M.

ROLL CALL: All members were present with the exception of Senator Ed Smith, Vice Chairman of the Committee.

The Chairman introduced Jennie Lind, Secretary for the Senate Education Committee, and John A. Bobinski, Committee Attorney.

The Chair also introduced Bob Pyfer of the Montana Code Commission, and Jess Schwidde, intern to Senators Ed Smith and Bill Thomas, and Dennis Rehberg, aide to Senators Mathers and Lockrem.

Chairman Blaylock reminded the members of the Committee that there would be no pairing of votes in committee, and he stated he would run the committee in a fair manner, giving everyone equal chance to speak. He further stated it will be the policy of the Chair that everyone who wants to vote on a bill will have that opportunity.

CONSIDERATION OF SENATE BILL No. 17: Chairman Blaylock, in support of the Bill, called upon Bob Pyfer, representing the Code Commission, to give an explanation of Senate Bill 17.

Mr. Pyfer stated that Bill 17 was a recodification bill and explained the Recodification Project which was authorized by the 1975 Legislature for the purpose of arrangement of codes in logical order according to subject matter and setting up a new index system to make it easier to find the laws. Also, the Code Commission has established a uniform drafting system for capitalization, punctuation and numbering. He further explained that the Code Commission, in going over Title 75 pertaining to education laws, ran into certain errors in the laws as written requiring "house keeping" corrections, such as deleting internal references to portions of laws that were repealed; but no substantial changes are requested in Bill 17 that would change the law. Since the Commission has limited authority, clarification of the present form is the major part of this Bill.

Open discussion of the Bill was had with questions raised as to whether or not the meaning and intent of the present law would be changed by such insertions and corrections or if, in the future, the form would be requested changed back. Mr. Pyfer stated that no substantive portion of the code would be changed without being brought before the legislature and that the Code Commission now has a Bill Drafting Manual that sets out form and drafting language for uniform drafting. He further stated that the Commission's intent was to avoid taking up legislators' time in going over small, unsubstantive changes and corrections in the whole Code Section in 1979, and to make the law more clear.

Senator Mathers questioned if it wouldn't be less expensive and time saving to grant the Code Commission authority to make these minor corrections, with Senators Blaylock, Murray and Warden mentioning the suspicion of misuse of such power in the Commission.

Chairman Blaylock then asked for any further discussion; there being none, Senator Fasbender moved that Senate Bill No. 17 DO PASS. The motion was seconded and carried by unanimous vote.

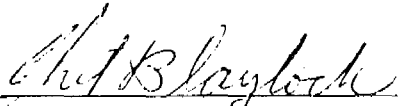
Chairman Blaylock passed out a Montana Fact Sheet of the Western Interstate Commission For Higher Education and explained that he had been contacted by some people who did not want to remain in this Commission. Mention was also made of the exchange programs, particularly for medical students, that would not be available to Montana without the affiliation.

There was limited discussion of this matter with Senator Fasbender mentioning the increase in cost, and Senator Warden stating that the portion pertaining to the services provided by WICHE to the Montana library students and the State Library are vital to Montana.

Chairman Blaylock announced that Larry Pettit, Commissioner of Higher Education, will appear at this Committee on Saturday morning, Jan. 8th, regarding the Post-Secondary Education Commission study of all education systems and what recommendations would be made.

ADJOURN:

There being no further business, the meeting adjourned at 12:10 A.M.


Chet Blaylock, Chairman

STANDING COMMITTEE REPORT

January 6

19 77

MR. President

We, your committee on EDUCATION

having had under consideration SENATE Bill No. 17

Respectfully report as follows: That SENATE Bill No. 17

DO PASS

*Pl. 1/6/77
Sec. to Sec. of Senate*

A question was raised by Senator Murray regarding safety inspections; and Mr. Murphy answered that all buses, including new ones, are required to pass the State Highway inspection.

Senator Blaylock asked the age, cost and source of funds of the over-the-road coach. Mr. Murphy stated it was about 20 years old at present and the district paid about \$16,000.00, but new it would be about \$95,000.00 and explained they used funds from the regular school bus route depreciation reserve which was accumulated prior to the time they changed to contracting for regular school buses. He further explained that these funds are not available now as the school is using contracted school buses, and the law does not allow a reserve fund for depreciation of activity buses.

Mr. Murphy went on to explain in answer to a question by Senator Blaylock that he had looked into contracting for activity buses, but that 3 years ago, school buses were about \$0.35 per mile to contract and now are up to \$0.78; that he felt the school could run the activity buses cheaper as these were all highway miles and eliminated the need for full time mechanics and repair personnel.

Senator Murray commented that the taxpayers of the district would merely be making installment payments rather than one large payment all at once, and Mr. Murphy agreed.

There was discussion regarding the escalation of expenditure by school districts for activity transportation, after which the Chairman asked for any further questions. There being none, the hearing on Senate Bill No. 108 was closed.

CONSIDERATION OF SENATE BILL No. 17, referred back to Committee: Senator Blaylock stated he had pulled this Bill off the Board on third reading because of problems relating to the community colleges, and explained the amendments asked for on page 25 of the Bill.

A motion was made by Senator Blaylock to amend Senate Bill No. 17, which was seconded and carried by unanimous vote, as follows:

1. Amend page 25, section 14, line 9. Following: "elementary," Insert: ","; Following: "elementary," Strike: "and"; Following: "and" Insert: "and"
2. Amend page 25, section 14, line 10. Following: "community-college" Insert: "community college"
3. Amend page 25, section 15, line 14. Following: line 13 Insert: "Section 15. Section 75-6702, R.C.M. 1947, is amended to read as follows:

"75-6702. General supervision of school budgeting system. The superintendent of public instruction ~~shall~~ have has general supervision over the school budgeting procedure and provisions, as they relate to elementary and high school districts, prescribed by law and shall ~~have~~ the-duty-to establish such ~~regulations~~ rules as are necessary to secure compliance with the school budgeting laws."

Renumber: All subsequent sections

4. Amend page 25, section 15, line 19. Following: "~~er~~ any" Insert: "or any"
5. Amend page 25, section 15, line 20. Following: "~~community-college-district~~" Insert: "community college district"
6. Amend page 25, section 15, line 24. Following: "provisions" Insert: ", as they relate to elementary and high school districts,"

The Chairman called for questions; there were none.

Senator Smith moved to pass Senate Bill No. 17 as amended; the motion was seconded and carried unanimously.

CONSIDERATION OF SENATE BILL No. 57: Discussion was called for by the Chairman.

Senator McCallum commented this Bill would remove the county commissioners from having the power to consolidate county superintendent of schools offices, and Senator Smith agreed.

Senator Dunkle mentioned that House Bill 122 keeps coming up in relation to various bills now in various committees that, if passed, would make useless these other bills and this Bill appeared of the same kind, and he felt it was premature.

Discussion of consolidation of county offices and whether county commissioners had authority to cross county lines for consolidation purposes ensued.

Senator Smith moved that Senate Bill No. 57 do not pass; this motion was seconded and carried, with Senator Fasbender voting "no".

CONSIDERATION OF SENATE BILL No. 88: The Chairman announced that a fiscal note had not yet been received for this Bill.

Senator Dunkle moved that Senate Bill No. 88 be set aside until a fiscal note was provided; motion was seconded and carried unanimously.

STANDING COMMITTEE REPORT

January 27 1977

MR. President

We, your committee on EDUCATION

having had under consideration SENATE Bill No. 17

Respectfully report as follows: That SENATE Bill No. 17

Third Reading, be amended as follows:

1. Amend page 25, section 14, line 9.

Following: "elementary"

Insert: "and"

Following: "elementary"

Strike: "and"

Following: "and"

Insert: "and"

2. Amend page 25, section 14, line 10.

Following: "community-college"

Insert: "community college"

3. Amend page 25, section 15, line 14.

Following: line 13

Insert: Section 15. Section 75-6702, R.C.M. 1947, is amended to read as follows:

DO PASS.

January 27, 1977

"75-6702. General supervision of school budgeting system. The superintendent of public instruction shall have has general supervision over the school budgeting procedure and provisions, as they relate to elementary and high school districts, prescribed by law and shall have the duty to establish such regulations rules as are necessary to secure compliance with the school budgeting laws."

Renumber: All subsequent sections

4. Amend page 25, section 15, line 19.

Following: "or-any"

Insert: "or any"

5. Amend page 25, section 15, line 20.

Following: "community-college-district"

Insert: "community college district"

6. Amend page 25, section 15, line 24.

Following: "provisions"

Insert: ", as they relate to elementary and high school districts,"

AND AS SO AMENDED, DO PASS

P.A.

Chairman

EDUCATION COMMITTEE

March 4, 1977

The meeting was called to order at 10:10 a.m., with all members present except Rep. Kennerly, who was absent.

Senate Bill 108 was discussed first. Senator Kolstad, chief sponsor, said the bill allows school trustees to establish depreciation reserve funds for buses used for functions and activities. It will allow 20% of the purchase price to be set aside in the fund each year for 5 years. Mr. Tom Murphy testified in support of the bill, saying unless the bus is used on a regular route it cannot be depreciated out under present laws. Activity buses include music, field trips, drama as well as athletics.

Senate Joint Resolution 11 was discussed next. Senator Mathers, chief sponsor, said the resolution was introduced at the suggestion of Code Commissioner Diana Dowling. There are many laws regarding community colleges scattered throughout the books which need to be recodified. Bill Lannon spoke in support of the resolution.

Senate Bill 17 was discussed next. Senator Blaylock, chief sponsor, had Bob Pyfer explain the bill as it is a recodification bill. Mr. Pyfer distributed a summary of the changes, and then explained several substantive changes in detail. They are changes to Section 8, page 17, lines 10 and 11; Section 10, page 21, lines 8 and 9; Section 14, page 25, lines 5 through 25 and page 26, lines 1 through 12; Section 34, page 53, line 13, and Section 36, page 56. He also suggested amending page 21, line 9 by striking "subsection (2)" and inserting "subsections (2) and (3)". Rae Haas explained the 2 changes she is recommending (attached). Mr. Pyfer agreed with the recommendations.

The foundation program schedules were discussed. Bob Stockton distributed information about actual expenditures by school districts in the last fiscal year (attached). He said his office does not have audit authority over school districts - the Department of Community Affairs has that responsibility. He was asked to supply the committee with a breakdown of noncurrent funds to show why there is such a great increase, Table VIII for the previous year, copies of the special education budget, and another printout to show all salaries. He said 25% of the total amount that the sheets show is all the foundation program actually picks up.

John LaFaver discussed the major concern about school funding; the reason for the great increase in spending last year. Large amount of state funds put in was supposed to reduce local taxes and make for more equalization. It didn't happen. One of the basic thought regarding his recommendation about increasing total public school spending by 7-1/4% annually was that the Legislature would place a ceiling on public school spending to eliminate the chance of even higher locally voted levies. The problem in that is in a school district that is operating on a tight budget to begin with. There

is a variable ceiling proposed, where the higher the maximum general fund without a vote the district has, the lower the ceiling would be. This would help to equalize school funding. For schools operating at 145% of the maximum general fund without a vote amount, the ceiling would be about 5% a year, those at 135-140% would get an increase of 7.5% a year and those below 135% would increase 10% annually. Those operating at around 115% would probably have no ceiling. Within the mechanism that exists there is already an equalization factor. The place where it is really inequitable is where it falls back on voted levies when equalization is not enough. He discussed the figures in the memo from Steve Colberg (attached). His recommendations amount to an increase of 8+% of the maximum general fund without a vote, an increase of about 7.25% of the total general fund spending, or a 9.3% increase in the schedules.

Rep. Gunderson moved to accept Mr. LaFaver's recommendations for the schedules and the ceiling on spending. The motion passed unanimously (Reps. Courtney, Kennerly and Estenson absent and not voting).

There being no further business, the meeting adjourned at 11:50 a.m.

March 11, 1977

Senate Joint Resolution 32 - Rep. Lory moved that the bill BE CONCURRED IN. The motion passed with Rep. Estenson voting NO. Rep. Scully will carry the bill on the floor.

Senate Joint Resolution 33 - Rep. Barrett moved that the bill BE CONCURRED IN. The motion passed with Rep. Estenson voting NO. Rep. Scully will carry the bill on the floor.

Senate Bill 17 - Rep. Eudaily moved to amend as shown on the attached sheet, Nos. 1 and 2. The motion passed unanimously. Chairperson Dussault moved to amend as shown on the attached sheet, Nos. 3 and 4. The motion passed unanimously. Rep. Eudaily then moved that the bill BE CONCURRED IN AS AMENDED. The motion passed unanimously. Rep. Hand will carry the bill on the floor.

Senate Bill 108 - Rep. Estenson moved that the bill BE CONCURRED IN. There was discussion about the inclusion of 2-way radios in the bill, but they were in the law previously and are not amended out. The motion passed with Rep. Eudaily voting NO. Rep. Lund will carry the bill on the floor.

Senate Bill 138 - Rep. Courtney moved that the bill BE NOT CONCURRED IN. Rep. Estenson made a substitute motion that the bill BE CONCURRED IN. Rep. Lory made a motion to amend page 1, line 23 by striking "executive" and inserting "professional." The motion passed unanimously. There was a discussion on whether this would open the door to another bureaucracy like what exists in the Commissioner of Higher Education. Rep. Courtney said the fiscal note shows how it will grow. Rep. Estenson said the Board has always had money for a secretary. Rep. Gunderson said the Board is responsible for Montana education and should have their own aide to carry out this responsibility. Rep. Barrett spoke against the bill, saying that the SPI and BPE are already supposed to cooperate. Rae Haas explained the budget request, and said that a supplemental appropriation will be necessary because of the effective date on the bill. Rep. Kvaalen moved to amend by striking the effective date from the title and body of the bill. The motion passed with Rep. Gunderson voting NO. Rep. Estenson said it is a bureaucratic problem with a constitutionally authorized Board and an elected superintendent. Rep. Estenson moved to amend page 1, lines 16 and 17, by striking "secretarial staff" and inserting "a secretary" and also amending line 22 the same way. The motion passed unanimously. She said whether it is legal or not, the superintendent's office can cut off any information she does not want to release. The substitute motion failed 6-7-2. Without objection, the original motion was voted on by reversing the vote and it passed, 7-6-2.

Senate Bill 144 - Rep. Lory moved to amend lines 8 and 17 by adding "or other districts." The motion passed unanimously. Rep. Barrett moved that the bill BE CONCURRED IN AS AMENDED. The motion passed unanimously. Rep. Eudaily will carry the bill on the floor.

SENATE BILL NO. 17

INTRODUCED BY BLAYLOCK

A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL
REVISION AND CLARIFICATION OF LAWS RELATING TO EDUCATION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-5607, R.C.M. 1947, is amended to
read as follows:

"75-5607. Board of public education -- Powers powers
and duties. The board of public education shall ~~have--the~~
~~power and it shall be its duty to:~~

(1) effect an orderly and uniform system of for
teacher certification and for the issuance of an emergency
authorization of employment by adopting the policies
prescribed by ~~sections~~ 75-6002 and 75-6011;

(2) consider the suspension or revocation of teacher
certificates and appeals from the denial of teacher
certification in accordance with the provisions of ~~section~~
75-6010;

(3) administer and order the distribution of state
equalization aid in accordance with the provisions of
~~section~~ 75-6917;

(4) adopt and enforce policies to provide uniform
standards and regulations for the design, construction, and

operation of school buses in accordance with the provisions
of ~~section~~ 75-7004;

(5) approve or disapprove a reduction of the number of
hours in a district's school day in accordance with the
provisions of ~~section~~ 75-7403;

(6) adopt policies prescribing the conditions when
school may be conducted on Saturday and the types of
pupil-instruction-related days and approval procedure for
such days in accordance with the provisions of ~~sections~~
75-7404 and 75-7405;

(7) adopt standards of accreditation and establish the
accreditation status of every school in accordance with the
provisions of ~~sections~~ 75-7501 and 75-7502;

~~(8)--establish the scope of conservation--education--in~~
~~the--schools--in--accordance--with--the--provisions--of--section~~
~~75-7503;~~

~~(9)~~(8) approve or disapprove educational media
selected by the superintendent of public instruction for the
educational media library in accordance with the provisions
of ~~section~~ 75-7511;

~~(10)~~(9) as the governing board of the state of Montana
for vocational education, adopt the policies prescribed by
and in accordance with the provisions of ~~section~~ 75-7702;

~~(11)~~(10) consider applications for ~~post-secondary~~
~~postsecondary~~ vocational-technical center designation in

1 accordance with the provisions of section 75-7707;
 2 ~~{12}{111}~~ for the purposes of ~~post-secondary~~
 3 ~~postsecondary~~ vocational-technical centers, approve or
 4 disapprove programs and budgets, direct the distribution of
 5 moneys in support of such budgets, determine tuition rates
 6 and fees, and enter into lease agreements or real property
 7 purchases in accordance with the ~~post-secondary~~
 8 ~~postsecondary~~ vocational-technical center provisions of the
 9 vocational education chapter of this ~~title~~ title;

10 ~~{13}{121}~~ adopt policies for the conduct of special
 11 education in accordance with the provisions of section
 12 75-7802;

13 ~~{14}-supervise---community---college---districts---in~~
 14 ~~accordance---with---the---provisions---of---sections---75-8103-and~~
 15 ~~75-8119;~~

16 ~~{15}-call-an-election,-determine--the--results--of--the~~
 17 ~~election,-order-and-implement-the-organization-of-a-community~~
 18 ~~college--district--in--accordance-with-the-community-college~~
 19 ~~districts-chapter-of-this-title-and~~

20 ~~{16}{131}~~ perform any other duty prescribed from time to
 21 time by this ~~title~~ title or any other act of the
 22 legislature."

23 Section 2. There is a new R.C.M. section numbered
 24 75-5607.1 that reads as follows:

25 75-5607.1. Regents to supervise community college

1 districts. The board of regents of higher education shall:

2 (1) supervise community college districts in
 3 accordance with the provisions of 75-8103 and 75-8119; and
 4 (2) call an election, determine the results of the
 5 election, and order and implement the organization of a
 6 community college district in accordance with the community
 7 college districts chapter of this title.

8 Section 3. Section 75-5707, R.C.M. 1947, is amended to
 9 read as follows:

10 "75-5707. Powers--and--duties Supervision of schools.
 11 The superintendent of public instruction ~~shall have~~ has the
 12 general supervision of the public schools and districts of
 13 the state, and he ~~shall have the power--and~~ shall perform
 14 the following duties or acts in implementing and enforcing
 15 the provisions of this ~~title~~ title:

16 (1) resolve any controversy resulting from the
 17 proration of joint costs by a joint board of trustees under
 18 the provisions of section 75-5929;

19 (2) issue, renew, or deny teacher certification and
 20 emergency authorizations of employment and give notice of
 21 teacher certification suspension or revocation proceedings
 22 to be conducted by the board of public education in
 23 accordance with the provisions of the teacher certification
 24 chapter of this ~~title~~ title;

25 (3) negotiate reciprocal tuition agreements with other

1 states in accordance with the provisions of section 75-6318;
 2 ~~{4}~~ pay the tuition for the residents of the Montana
 3 children's center at Twin Bridges high school in accordance
 4 with the provisions of section 75-6319;
 5 ~~{5}~~ {14} serve on the teachers' retirement board in
 6 accordance with the provisions of section 75-6203 ~~82A-212~~;
 7 ~~{6}~~ {2} prescribe absentee voting forms and rules in
 8 accordance with the provisions of section 75-6416;
 9 ~~{7}~~ {6} approve or disapprove the orders of a high
 10 school boundary commission in accordance with the provisions
 11 of section 75-6528;
 12 ~~{8}~~ {7} approve or disapprove the opening or reopening
 13 of a school in accordance with the provisions of sections
 14 75-6602, 75-6603, 75-6604, or 75-6605;
 15 ~~{9}~~ {8} approve or disapprove school isolation within
 16 the limitations prescribed by section 75-6608;
 17 ~~{10}~~ {9} generally supervise the school budgeting
 18 procedures prescribed by law in accordance with the
 19 provisions of section 75-6702, and prescribe the school
 20 budget format in accordance with the provisions of section
 21 75-6704 and 75-7209;
 22 ~~{11}~~ {10} establish a system of communication for
 23 calculating joint district revenues in accordance with the
 24 provisions of section 75-6721;
 25 ~~{12}~~ {11} approve or disapprove the adoption of a

1 district's emergency budget resolution under the conditions
 2 prescribed in section 75-6725, and publish rules and
 3 regulations for an application for additional state aid for
 4 an emergency budget in accordance with the approval and
 5 disbursement provisions of section 75-6729;
 6 ~~{13}~~ {12} generally supervise the school financial
 7 administration provisions as prescribed by section 75-6802;
 8 ~~{14}~~ {13} appoint the responsible county officials for
 9 the performance of the budgeting duties and the financial
 10 administration duties for a joint district in accordance
 11 with the provisions of sections 75-6720 and 75-6803;
 12 ~~{15}~~ {14} prescribe and furnish the annual report forms
 13 to enable the districts to report to the county
 14 superintendent in accordance with the provisions of
 15 subsection ~~{5}~~ of section 75-6806 {5}, and the annual report
 16 forms to enable the county superintendents to report to the
 17 superintendent of public instruction in accordance with the
 18 provisions of section 75-5809;
 19 ~~{16}~~ {15} approve, disapprove, or adjust an increase of
 20 the average number belonging (ANB) in accordance with the
 21 provisions of sections 75-6903 and 75-6904;
 22 ~~{17}~~ {16} distribute state equalization aid in support
 23 of the foundation program in accordance with the provisions
 24 of sections 75-6908, 75-6918, and 75-6919;
 25 ~~{18}~~ {17} estimate the state-wide statewide equalization

1 level for the foundation program in accordance with the
2 provisions of section 75-6920;

3 ~~(19)~~(18) distribute state impact aid in accordance with
4 the provisions of section 75-6925;

5 ~~(20)~~(19) provide for the uniform and equal provision of
6 transportation by performing the duties prescribed by the
7 provisions of section 75-7005;

8 ~~(21)~~(20) approve or disapprove an adult education
9 program for which a district proposes to levy a tax in
10 accordance with the provisions of section 75-7207;

11 ~~(22)~~(21) request, accept, deposit, and expend federal
12 moneys in accordance with the provisions of section 75-7303;

13 ~~(23)~~(22) authorize the use of federal moneys for the
14 support of an interlocal co-operative cooperative agreement
15 in accordance with the provisions of sections 75-7306 and
16 75-7307;

17 ~~(24)~~(23) prescribe the form and contents of and approve
18 or disapprove interstate contracts in accordance with the
19 provisions of section 75-7308;

20 ~~(25)~~(24) approve or disapprove the conduct of school on
21 a Saturday or on pupil-instruction-related days in
22 accordance with the provisions of sections 75-7404 and
23 75-7405;

24 ~~(26)~~(25) recommend standards of accreditation for all
25 schools to the board of public education, and evaluate

1 compliance with such standards and recommend accreditation
2 status of every school to the board of public education in
3 accordance with the provisions of sections 75-7501 and
4 75-7502;

5 ~~(27)~~(26) collect and maintain a file of curriculum
6 guides and assist schools with instructional programs in
7 accordance with the provisions of sections 75-7505 and
8 75-7506;

9 ~~(28) recommend the scope of conservation education in~~
10 ~~the schools to the board of education in accordance with the~~
11 ~~provisions of section 75-7509;~~

12 ~~(29)~~(28)(27) establish and maintain a library of
13 visual, aural, and other educational media in accordance
14 with the provisions of section 75-7511;

15 ~~(30)~~(29)(28) license textbook dealers, ~~maintain a~~
16 ~~textbook library, AND~~ initiate prosecution of textbook
17 dealers violating the law ~~and supply a textbook listing~~ in
18 accordance with the provisions of the textbooks chapter of
19 this ~~title~~ title;

20 ~~(31)~~(30)(29) administer and perform the duties as the
21 executive officer of the board of public education for
22 vocational education in accordance with the provisions of
23 section 75-7703;

24 ~~(32)~~(31)(30) consider applications for the designation
25 of a post-secondary ~~postsecondary~~ vocational-technical

1 center in accordance with the provisions of section 75-7707;
 2 ~~{33}{32}{31}~~ establish a fund for the handling of
 3 ~~post-secondary postsecondary~~ vocational-technical center
 4 fees in accordance with the provisions of section 75-7714;
 5 ~~{34}{33}{32}~~ supervise and co-ordinate ~~coordinate~~ the
 6 conduct of special education in the state in accordance with
 7 the provisions of section 75-7803;
 8 ~~{35}{34}{33}~~ administer the traffic education program
 9 in accordance with the provisions of section 75-7904;
 10 ~~{36}{35}{34}~~ administer the school food services
 11 program in accordance with the provisions of sections
 12 75-8002, 75-8003, and 75-8004;
 13 ~~{37} determine the result of an organization election~~
 14 ~~for a community college district and the related election of~~
 15 ~~trustees in accordance with the provisions of section~~
 16 ~~75-8112;~~
 17 ~~{38}{36}{35}~~ review school building plans and
 18 specifications in accordance with the provisions of section
 19 75-8206;
 20 ~~{39}{37}{36}~~ publish and distribute fire--danger--books
 21 ~~in accordance with the provisions of section 75-8309;~~
 22 ~~{40}{38}{37}{36}~~ prescribe the method of identification
 23 and signals to be used by school safety patrols in
 24 accordance with the provisions of section 75-8310; and
 25 ~~{41}{39}{38}{37}~~ perform any other duty prescribed from

1 time to time by this ~~title~~ title, any other act of the
 2 legislature, or the policies of the board of public
 3 education."

4 Section 4. Section 75-5805, R.C.M. 1947, is amended to
 5 read as follows:

6 "75-5805. County superintendent -- Powers ~~powers~~ and
 7 duties. The county superintendent ~~shall have~~ has general
 8 supervision of the schools of the county within the
 9 limitations prescribed by this ~~title~~ title and shall perform
 10 the following duties or acts:

11 (1) determine, establish, and re-establish reestablish
 12 trustee nominating districts, and fill additional trustee
 13 position vacancies in accordance with the provisions of
 14 sections 75-5903, 75-5904, and 75-5905;

15 (2) administer and file the oaths of members of the
 16 boards of trustees of the districts in his county in
 17 accordance with the provisions of section 75-5916;

18 (3) fill by appointment any trustee position vacancies
 19 when required under the provisions of section 75-5918;

20 (4) register the teacher certificate or emergency
 21 authorization of employment of any person employed in the
 22 county as a teacher, principal, or district superintendent
 23 in accordance with the provisions of section 75-6106;

24 (5) act on each tuition application submitted to him
 25 in accordance with the provisions of sections 75-6313,

1 75-6314, 75-6315, and 75-6316, and transmit the tuition
2 information required by section 75-6317;

3 (6) file a copy of the audit report for a district or
4 ~~e-schools--extracurricular--fund~~ in accordance with the
5 provisions of sections 75-6807 or 75-6323;

6 (7) classify districts in accordance with the
7 provisions of section 75-6503;

8 (8) keep a transcript and reconcile the district
9 boundaries of the county in accordance with the provisions
10 of section 75-6504;

11 (9) fulfill all responsibilities assigned to him under
12 the provisions of this ~~title~~ title regulating the
13 organization, alteration, or abandonment of districts;

14 (10) act on any unification proposition and, if
15 approved, establish additional trustee nominating districts
16 in accordance with sections 75-6538 and 75-6539;

17 (11) estimate the average number belonging (ANB) of an
18 opening school in accordance with the provisions of sections
19 75-6602, 75-6603, 75-6604, or 75-6606;

20 (12) process and, when required, act on school
21 isolation applications in accordance with the provisions of
22 section 75-6608;

23 (13) complete the budgets, compute the budgeted
24 revenues and tax levies, give notices of the budget
25 meetings, file final and emergency budgets, and fulfill such

1 other responsibilities assigned to him under the provisions
2 of this ~~title~~ title regulating school budgeting systems;

3 (14) submit an annual financial report to the
4 superintendent of public instruction in accordance with the
5 provisions of section 75-6804;

6 (15) quarterly, unless otherwise provided by law, order
7 the county treasurer to apportion state moneys, county
8 school moneys, and any other school moneys subject to
9 apportionment in accordance with the provisions of ~~75-6805~~
10 sections 75-6909, 75-6914, 75-6919, 75-6921, 75-7022, or
11 75-7023, or ~~75-6805~~;

12 (16) act on any request to transfer average number
13 belonging (ANB) in accordance with the provisions of
14 subsection (3) of section 75-6903;

15 (17) calculate the estimated, budgeted general fund
16 sources of revenue in accordance with the provisions of
17 section 75-6911 and 75-6920, and the other general fund
18 revenue provisions of the general fund chapter of this ~~title~~
19 title;

20 (18) compute the revenues and the district and county
21 levy requirements for each fund included on each district's
22 final budget, and report such computations to the board of
23 county commissioners in accordance with the provisions of
24 the general fund, transportation, bonds, and other school
25 funds chapters of this ~~title~~ title;

1 (19) file and forward bus driver certifications,
2 transportation contracts, and state transportation
3 reimbursement claims in accordance with the provisions of
4 sections 75-7003, 75-7020, or 75-7022;

5 (20) for districts which do not employ a district
6 superintendent or principal, recommend library book and
7 textbook selections in accordance with the provisions of
8 sections 75-7519 or 75-7603;

9 (21) notify the superintendent of public instruction of
10 a textbook dealer's activities when required under the
11 provisions of section 75-7607, and otherwise comply with the
12 textbook dealer provisions of this ~~title~~ title;

13 (22) act on district requests to allocate federal
14 moneys for indigent children ~~for school food services~~ in
15 accordance with the provisions of section 75-8006; and

16 (23) perform any other duty prescribed from time to
17 time by this ~~title~~ title, any other act of the legislature,
18 the policies of the board of public education, or the rules
19 and ~~regulations~~ of the superintendent of public
20 instruction."

21 Section 5. Section 75-5918, R.C.M. 1947, is amended to
22 read as follows:

23 "75-5918. Filling vacated trustee position, appointee
24 qualification, and term of office. (1) Whenever a trustee
25 position becomes vacant in any district except a ~~third-class~~

1 ~~third-class~~ district, the remaining members of the trustees
2 shall declare such position vacant and they shall appoint,
3 in writing, a competent person as a successor. The trustees
4 shall notify the appointee and the county superintendent of
5 such appointment.

6 (2) Whenever a trustee position becomes vacant in a
7 ~~third-class~~ ~~third-class~~ district, the remaining members of
8 the trustees shall declare such position vacant and notify
9 the county superintendent of the vacancy. The county
10 superintendent shall appoint, in writing, a competent person
11 as a successor and notify such person of his appointment.

12 (3) Any person who has been appointed to a trustee
13 position shall qualify by completing and filing an oath of
14 office with the county superintendent ~~within~~ ~~in not less~~
15 ~~than fifteen~~ (15) days after receiving notice of his
16 appointment. Failure to file the oath of office shall
17 constitute a continuation of the trustee position vacancy
18 which shall be filled under the provisions of this section.

19 (4) Any person assuming a trustee position under the
20 provisions of this section shall serve until the next
21 regular school election and his successor has qualified."

22 Section 6. Section 75-5932, R.C.M. 1947, is amended to
23 read as follows:

24 "75-5932. General powers and duties and record of
25 acts. (1) The trustees of each district shall ~~have the power~~

1 ~~and it shall be its duty to~~ prescribe and enforce policies
 2 for the government of the district. In order to provide a
 3 comprehensive system of governing the district, the trustees
 4 shall:

5 ~~(1)(a)~~ adopt the policies required by this title; and
 6 ~~(2)(b)~~ adopt policies to implement or administer the
 7 requirements of the general law, this ~~title~~ title, the
 8 policies of the board of public education, ~~or and~~ the rules
 9 ~~and regulations~~ of the superintendent of public instruction.

10 ~~(2)~~ The trustees shall keep a full and permanent
 11 record of all adopted policies and all other acts of the
 12 trustees. Minutes of each regular and special board
 13 meeting shall include wording of motions, voting records of
 14 each trustee present, and all other pertinent information,
 15 including a detailed statement of all expenditures of money,
 16 with the name of any person or business to whom payment is
 17 made, and showing the service rendered or goods furnished. A
 18 written copy of the minutes shall be made available within
 19 ~~five~~ ~~(5)~~ working days following the approval of the minutes
 20 by the board, at a cost of no more than ~~fifteen~~ 15 cents
 21 ~~(\$15)~~ per a page to be paid by those who request such a
 22 copy. One free copy of the minutes shall be provided to the
 23 local press within ~~five~~ ~~(5)~~ working days following the
 24 approval of the minutes by the board. The board shall
 25 approve the minutes of each special and regular meeting no

1 later than ~~one~~ ~~(1)~~ month following the meeting. If a board
 2 does not regularly meet on a monthly basis, a meeting of the
 3 trustees shall be called no later than ~~one~~ ~~(1)~~ month
 4 following each regular meeting for the purpose of approving
 5 the minutes of the previous meeting."

6 Section 7. Section 75-5935, R.C.M. 1947, is amended to
 7 read as follows:

8 "75-5935. Clerk of the district. As provided in
 9 section 75-5927, the trustees shall employ and appoint a
 10 clerk of the district. ~~It shall be the duty of the~~ The clerk
 11 of the district to ~~shall~~ attend all meetings of the trustees
 12 to keep an accurate and permanent record of all the
 13 proceedings of each meeting. If the clerk is not present at
 14 a meeting, the trustees shall have one of ~~its~~ ~~their~~ members
 15 or a district employee act as clerk for ~~such~~ ~~the~~ meeting,
 16 and such person shall supply the clerk with a certified copy
 17 of the proceedings. The clerk of the district also shall be
 18 the custodian of all documents, records, and reports of the
 19 trustees. Unless the trustees provide otherwise, the clerk
 20 shall:

21 (1) keep an accurate and detailed accounting record of
 22 all receipts and expenditures of the district in accordance
 23 with the financial administration provisions of this ~~title~~
 24 title; and

25 (2) prepare the annual trustees' report required under

the provisions of subsection (5) of section 75-6806, and
~~{3}--make--an--annual--census--of--all--the--children--of--the~~
~~district--in--accordance--with--sections--75-5936--and--75-5937.~~"

Section 8. Section 75-6304, R.C.M. 1947, is amended to read as follows:

"75-6304. Compulsory attendance and excuses. Any parent, guardian, or other person who is responsible for the care of any child who is seven {7} years of age or older prior to the first day of school in any school fiscal year, but has not yet reached his sixteenth 16th birthday, or of a child who and has not completed the work of the eighth grade, shall cause the child to attend the school in which he is enrolled for the school term and each school day therein prescribed by the trustees of the district unless:

(1) the child has been excused under one of the conditions specified in section 75-6303;

(2) the child is absent because of illness, bereavement, or other reason prescribed by the policies of the trustees; or

(3) the child has been suspended or expelled under the provisions of section 75-6311."

Section 9. Section 75-6313, R.C.M. 1947, is amended to read as follows:

"75-6313. Elementary tuition with mandatory approval.
 (1) Any child may be enrolled in and attend an elementary

school outside of the elementary district in which he resides when such elementary school is located:

{1}{a} in any other district of the county of his residence; or

{2}{b} in a county adjoining his county of residence; or

{3}{c} in a district of another state that is adjacent to the county of his residence.

{2} When a parent or guardian of a child wishes to have his child attend a school under the provisions of this section, he shall apply to the county superintendent of the county of his residence before the first day of July 1 of the school fiscal year for which he seeks approval except in those cases when substantial changes in circumstances occurred subsequently to justify later application. Such application shall be made on a tuition agreement form supplied by the county superintendent and shall be approved before permission to enroll in and attend school outside of the district under the provisions of this section may be granted; by:

{1}{a} the trustees of the elementary district in which the child resides; or

{2}{b} the trustees of the district where the child wishes to attend school; and

{3}{c} the county superintendent of the child's

1 residence, before permission to enroll in and attend a
2 school outside of the district under the provisions of this
3 section shall be granted.

4 (3) In considering the approval of a tuition
5 application, the tuition approval agents prescribed in this
6 section shall approve such application for a resident child
7 when:

8 (1)(a) the child resides less than three (3) miles
9 from the school which he wishes to attend and more than
10 three (3) miles from any school of his resident elementary
11 district;

12 (2)(b) the child resides more than three (3) miles
13 from any school of his resident elementary district and such
14 district does not provide transportation under the
15 provisions of this title title;

16 (3)(c) the child resides more than three (3) miles
17 from any school of his resident elementary district, and the
18 resident district does not provide transportation under the
19 provisions of this title title, and school bus
20 transportation is furnished by the district operating the
21 school which he wishes to attend;

22 (4)(d) the child is a member of a family who must send
23 another child outside of the elementary district to attend
24 high school and the child of elementary age may more
25 conveniently attend an elementary school where the high

1 school is located, provided such the child resides more
2 than three (3) miles from an elementary school of the
3 resident district or the parent must move to the elementary
4 district where the high school is located in order to enroll
5 the other child in high school; or

6 (5)(e) the child has been declared by a district court
7 of competent jurisdiction to be an abused, neglected, or
8 dependent --a--dependent--and-neglected child, as defined in
9 section--10-501 10-1301, R66Mv-1947, or a juvenile
10 delinquent child youth, as defined in 10-1203, --section
11 10-602, R66Mv-1947, and such child has been ordered to be
12 placed in a duly licensed child care institution which is
13 also approved by the state department of social and
14 rehabilitation services public-welfare, and as a result of
15 the order the child is required to attend elementary school
16 outside of the district of his residence. For purposes of
17 this subsection the prescribed geographic relationship of
18 the receiving district to the district of residence shall
19 does not apply.

20 (4) The trustees of the district where the school to
21 be attended is located shall--have--the-authority-to may
22 disapprove a tuition agreement that satisfies any of the
23 mandatory approval conditions specified in subsections
24 (1)(3)(a), (2)(3)(b), (3)(3)(c), (4)(3)(d), or (5)(3)(e)
25 above when they shall find that due to insufficient room and

1 overcrowding the accreditation of the school would be
2 adversely affected by the acceptance of the child. In the
3 event of disapproval, the trustees shall so notify the
4 parent in writing within ~~fifteen~~ {15} days of the first
5 receipt of the application."

6 Section 10. Section 75-6410, R.C.M. 1947, is amended
7 to read as follows:

8 "75-6410. Qualifications of elector. Every ~~(1) Except~~
9 ~~as provided in subsection SUBSECTIONS (2) AND (3), each~~
10 person is entitled to vote at school elections if he has all
11 of the following qualifications:

12 ~~(1)(a)~~ He has registered to vote with the county
13 registrar as a resident in the school district in which he
14 resides and proposes to vote in the manner provided by the
15 general state election laws except in regard to the closure
16 of elector registration as provided in ~~section 75-6413.~~

17 ~~(2)(b)~~ He is ~~eighteen~~ {18} years of age or older.

18 ~~(3)(c)~~ He has been a resident of Montana for at least
19 thirty {30} days, and

20 ~~(4)(d)~~ He is a citizen of the United States.

21 (2) No person convicted of a felony has the right to
22 vote while he is serving a sentence in a penal institution.

23 (3) No person adjudicated to be mentally incompetent
24 ~~of--unsound--mind~~ has the right to vote unless he has been
25 restored to capacity as provided by law."

1 Section 11. Section 75-6412, R.C.M. 1947, is amended
2 to read as follows:

3 "75-6412. Elector challenges. (1) An elector may
4 challenge the qualifications of another elector under the
5 provisions of ~~section 23-3015.~~ Any person offering to vote
6 in a school election may be challenged by any elector of the
7 district on any of the grounds for challenge established in
8 ~~section 23-3611, R.C.M. 1947.~~ Such ~~The~~ challenge shall be
9 determined in the same manner, using the same oath as
10 provided in chapter 36 of Title 23, ~~R.C.M. 1947.~~

11 (2) Any person who ~~shall--have~~ has been challenged
12 under any of the provisions of this section and who ~~shall~~
13 ~~swear~~ swears or ~~affirm~~ affirms falsely before any school
14 election judge ~~shall--be~~ is guilty of ~~perjury false swearing~~
15 ~~and shall--be--punished--accordingly--~~ is punishable as provided
16 in 94-7-203."

17 Section 12. Section 75-6523, R.C.M. 1947, is amended
18 to read as follows:

19 "75-6523. ~~Counter-proposed~~ Counterproposed high school
20 district boundaries by electors and election. (1) Whenever
21 a high school boundary commission issues an order to change
22 high school district boundary lines, ~~twenty-per--cent~~ {20%}
23 or more of the electors of any elementary district with
24 territory affected by the high school boundary change who
25 are qualified to vote under ~~the--provisions--of--section~~

1 75-6410 may protest the boundaries established^o by the order
 2 of the commission within ~~thirty-(30)~~ 30 days after the date
 3 of ~~the~~ such order. Such ~~the~~ protest shall be in the form of
 4 a petition addressed to the county superintendent and ~~it~~
 5 shall provide a ~~counter-proposition~~ counterproposition to
 6 the new high school boundaries established by the order of
 7 the commission for the disposition of the territory of the
 8 elementary district for high school districting purposes.
 9 The provisions of this section shall not be used in
 10 elementary districts that have approved high school
 11 boundaries under ~~the provisions of section~~ 75-6522.

12 (2) When the county superintendent receives a valid
 13 petition from an elementary district, he shall, within ten
 14 ~~(10)~~ days after the receipt of such ~~the~~ petition, and--as
 15 ~~provided--by section 75-6423,~~ order the trustees of such ~~the~~
 16 elementary district to call an election to consider the high
 17 school boundary ~~counter---proposition~~ counterproposition
 18 described in ~~the~~ such petition. The trustees shall call and
 19 conduct the election in the manner prescribed in this ~~five~~
 20 ~~title~~ for school elections. An elector who may vote on the
 21 proposition shall be qualified to vote under ~~the provisions~~
 22 ~~of section 75-6410.~~ If a majority of the electors voting at
 23 the election approve the ~~counter-proposition~~
 24 counterproposition, the high school boundaries described by
 25 the ~~counter-proposition~~ counterproposition shall be

1 approved, and the order of the high school boundary
 2 commission shall be amended to establish such high school
 3 boundaries. If a majority of the electors voting at such ~~the~~
 4 election disapprove the ~~counter-proposition~~
 5 counterproposition, the order of the high school boundary
 6 commission shall be confirmed and shall be final."

7 Section 13. Section 75-6606, R.C.M. 1947, is amended
 8 to read as follows:

9 "75-6606. Budgeting and cost-sharing when junior high
 10 school operated by elementary district and high school
 11 district operating a county high school. (1) Whenever the
 12 opening of a junior high school is approved for the ensuing
 13 school fiscal year under ~~the provisions of section~~ 75-6605,
 14 the county superintendent shall estimate the average number
 15 belonging (ANB) after investigating the probable enrollment
 16 for the junior high school. The ANB determined by the county
 17 superintendent and the ANB actually realized in subsequent
 18 school fiscal years shall be applied under ~~the provisions of~~
 19 ~~subsection---(10)---of---section~~ 75-6905 to prorate the
 20 maximum-general-fund-budget-without-a-voted-levy between the
 21 elementary and high school districts. Each district shall
 22 adopt its general fund budget on the basis of such ~~the~~
 23 prorated amount and shall finance its proportionate share of
 24 the cost of operating the junior high school.

25 (2) The cost of operating the junior high school shall

be prorated between the elementary district and the high school district on the basis of the ratio that the number of pupils of their district is to the total enrollment of the junior high school."

Section 14. Section 75-6701, R.C.M. 1947, is amended to read as follows:

"75-6701. Application of budget system for districts. The school budgeting procedure and provisions of this ~~title~~ title shall apply to elementary ~~and~~ high school ~~and~~ AND ~~community-college~~ COMMUNITY COLLEGE districts, and to all funds requiring the adoption of a budget. Each district shall separately propose and adopt a budget in accordance with the requirements of this ~~title~~ title."

SECTION 15. SECTION 75-6702, R.C.M. 1947, IS AMENDED TO READ AS FOLLOWS:

"75-6702. General supervision of school budgeting system. The superintendent of public instruction ~~shall have~~ has general supervision over the school budgeting procedure and provisions, as they relate to elementary and high school districts, prescribed by law and shall ~~have the duty to~~ establish such ~~regulations~~ rules as are necessary to secure compliance with the school budgeting laws."

Section 16. Section 75-6802, R.C.M. 1947, is amended to read as follows:

"75-6802. Application of law and superintendent of

public instruction supervision. The school financial administration provisions of this ~~title~~ title shall apply to all moneys of any ~~elementary or high school~~ district or ~~any~~ OR ANY community ~~college~~ COMMUNITY COLLEGE ~~DISTRICT~~, excepting ~~except~~ the extra-curricular ~~extracurricular~~ moneys realized from pupil activities. The superintendent of public instruction ~~shall have~~ has general ~~supervision~~ supervisory authority over the school financial administration provisions, AS THEY RELATE TO ELEMENTARY AND HIGH SCHOOL DISTRICTS, as prescribed by law and shall ~~have the duty to~~ establish such rules ~~and regulations~~ as are necessary to secure compliance with the law."

Section 17. Section 75-6807, R.C.M. 1947, is amended to read as follows:

"75-6807. Examination of district accounting records. ~~(1)~~ The accounting records of all ~~districts first and second class district and each third class district~~ maintaining ~~a high school~~ shall be audited annually by the ~~department of community affairs state examiner~~ in accordance with ~~82-4516 section 82-1000, R.C.M. 1947~~.

~~(2)~~ Annually and at such other times as directed by the board of county commissioners or trustees, the county auditor, or the county treasurer if there is no county auditor, shall audit the accounting records of each third-class district that does not maintain a high school.

1 Such district shall deliver all accounting records to the
2 auditing county official no later than ~~the-fifteenth-day-of~~
3 July 15 for the audit of the financial activity of the last
4 completed school fiscal year. The auditing county official
5 shall examine the accounting records, prepare an audit
6 report, and shall:

7 ~~(1)(a)~~ return the accounting records to the district
8 no later than ~~the-fifteenth-day-of~~ August 15;

9 ~~(2)(b)~~ send a copy of the audit report to the chairman
10 of the trustees; and

11 ~~(3)(c)~~ file copies of the audit report with the county
12 superintendent and the county clerk and recorder."

13 Section 18. Section 75-6808, R.C.M. 1947, is amended
14 to read as follows:

15 "75-6808. Pecuniary interests, letting contracts, and
16 calling for bids, under certain circumstances. (1) It shall
17 be is unlawful for any trustee to:

18 ~~(1)(a)~~ have any pecuniary interest, either directly or
19 indirectly, in any contract for the erection of any school
20 building, or for warming, ventilating, furnishing, or
21 repairing the same; or

22 ~~(2)(b)~~ be in any manner connected with the furnishing
23 of supplies for the maintenance and operation of the
24 schools; or

25 ~~(3)(c)~~ be employed in any capacity by the school

1 district of which he is trustee.

2 ~~(2)~~ Whenever the estimated cost of any building,
3 furnishing, repairing, or other work for the benefit of the
4 district or purchasing of supplies for the district, exceeds
5 the sum of ~~four-thousand-dollars (\$4,000.00)~~, the work done,
6 or the purchase made shall be by contract. Each such
7 contract must be let to the lowest responsible bidder after
8 advertisement for bids. Such advertisement shall be
9 published in the newspaper which will give notice to the
10 largest number of people of the district as determined by
11 the trustees. Such advertisement shall be made once each
12 week for ~~two~~ 2 consecutive weeks and the second publication
13 shall be made not less than ~~five~~ (5) days ~~nor or~~ more than
14 ~~twelve~~ (12) days before consideration of bids. Any A
15 contract not let pursuant to this section shall be void.

16 ~~(3) In--all--cases--where~~ Whenever bidding is required,
17 the trustees shall award the contract to the lowest
18 responsible bidder, except that the trustees ~~shall-have-the~~
19 ~~right-to~~ may reject any or all bids.

20 ~~(4)~~ With regard to contracting for work or supplies,
21 the board of trustees of a community college district are
22 ~~shall-be~~ subject to the provisions of section 75-8118."

23 Section 19. Section 75-6914, R.C.M. 1947, is amended
24 to read as follows:

25 "75-6914. Apportionment of county equalization moneys

1 by county superintendent. The county superintendent shall
 2 separately apportion the revenues deposited in the basic
 3 county tax account and the revenues deposited in the basic
 4 special tax for high schools account to the several
 5 districts of the county on a quarterly basis. ~~The~~ Such
 6 apportionments shall be known as "county equalization
 7 moneys". Before the county superintendent makes the
 8 quarterly apportionments, he shall:

9 (1) deduct from the revenues available in the basic
 10 county tax account, the amount required for the quarter to
 11 pay the county's obligation for elementary transportation
 12 reimbursements; and

13 (2) deduct from the revenues available in the basic
 14 special tax for high schools account, the amount required
 15 from ~~for~~ the quarter to pay the county's obligation for high
 16 school out-of-county tuition."

17 Section 20. Section 75-7016, R.C.M. 1947, is amended
 18 to read as follows:

19 "75-7016. Determining residence. When the residence of
 20 an eligible transportee is a matter of controversy and is an
 21 issue before a board of trustees, a county transportation
 22 committee, or the superintendent of public instruction, ~~the~~
 23 ~~such~~ residence shall be established on the basis of the
 24 general state residence law as provided in ~~section~~ 83-303
 25 ~~Revised--1947. Where whenever~~ any district or county is

1 determined to be responsible for paying tuition for any
 2 pupil in accordance with ~~sections~~ 75-6313, 75-6314, and ~~or~~
 3 75-6316, the residence of the pupil for tuition purposes
 4 ~~shall--be~~ ~~is~~ the residence of ~~such the~~ pupil for
 5 transportation purposes."

6 Section 21. Section 75-7017, R.C.M. 1947, is amended
 7 to read as follows:

8 "75-7017. Determination of mileage distances. When the
 9 mileage ~~district~~ ~~distance~~ that transportation services are
 10 to be provided is a matter of controversy and is an issue
 11 before a board of trustees, a county transportation
 12 committee, or the superintendent of public instruction, ~~such~~
 13 ~~the~~ mileage shall be established on the following basis:

14 (1) The distance in mileage shall be measured by a
 15 vehicle equipped with an accurate odometer.

16 (2) A representative of the applicable district and a
 17 parent or guardian of the child to be transported shall be
 18 present when the distance is measured.

19 (3) The measurement shall begin ~~six~~ ~~(6)~~ yards from the
 20 family home and ~~ends and six~~ ~~(6)~~ yards from the entrance of
 21 the school grounds closest to the route, ~~and~~.

22 (4) The route traversed for the measurement shall be
 23 the route designated by the trustees, except that ~~such the~~
 24 route shall be reasonably passable during the entire school
 25 fiscal year by the vehicle that provides the child's

1 transportation. In determining reasonable passage, a route
2 ~~shall~~ **may** not be disqualified because it is impassable
3 during temporary, extreme weather conditions such as rains,
4 snow, or floods."

5 Section 22. Section 75-7018, R.C.M. 1947, is amended
6 to read as follows:

7 "75-7018. Schedule of maximum reimbursement by bus
8 mileage rates. ~~(1)~~ The following bus mileage rates for
9 school bus transportation constitute the maximum
10 reimbursement to districts for school bus transportation
11 from state and county sources of transportation revenue
12 under the provisions of ~~sections~~ 75-7022 and 75-7023. These
13 rates shall not limit the amount which a district may budget
14 in its transportation fund budget in order to provide for
15 the estimated and necessary cost of school bus
16 transportation during the ensuing school fiscal year. ~~Any~~
17 ~~vehicle, the operation of which is the operation of any~~
18 ~~vehicle~~ reimbursed under the rate provisions of this
19 schedule, shall be a school bus, as defined by this ~~title~~
20 ~~title~~, driven by a qualified driver on a bus route approved
21 by the county transportation committee and the
22 superintendent of public instruction.

23 ~~(1)(2)~~ The rate per bus mile traveled shall be
24 determined in accordance with the following schedule when
25 the number of eligible transportees boarding such school bus

1 on an approved route is not less than ~~seventy-five-per-cent~~
2 ~~(75%)~~ of its rated capacity:

3 (a) ~~thirty-five~~ **35** cents ~~(\$35)~~ per bus mile for a
4 school bus with a rated capacity of not less than ~~twelve~~
5 ~~(12)~~ but not more than ~~fifty~~ **(50)** children; and

6 (b) when the rated capacity is more than ~~fifty~~ **(50)**
7 children, an additional ~~two~~ **2** cents ~~(\$2)~~ per bus mile for
8 each additional child in the rated capacity in excess of
9 ~~fifty~~ **(50)** shall be added to a base rate of ~~35~~ **thirty-five**
10 cents ~~(\$35)~~ per bus mile.

11 ~~(2)(3)~~ When the number of eligible transportees
12 boarding a school bus on an approved route is less than
13 ~~seventy-five-per-cent~~ **(75%)** of its rated capacity, the rate
14 per bus mile traveled shall be computed as follows:

15 (a) determine the number of eligible transportees
16 boarding the school bus on such route;

17 (b) multiply the number determined in subsection ~~(2)~~
18 ~~(3)(a)~~ by ~~twenty-five-per-cent~~ **(25%)** and round-off to the
19 nearest whole number;

20 (c) add the amount calculated in subsection ~~(2)(3)(b)~~
21 to the number determined in subsection ~~(2)(3)(a)~~ to
22 determine the adjusted rated capacity for the bus; and

23 (d) use the adjusted rated capacity determined in
24 subsection ~~(2)(3)(c)~~ as the rated capacity of such bus to
25 determine the rate per bus mile traveled from the rate

1 schedule in subsection ~~(1)(2)~~ above.

2 (4) The rated capacity shall be the number of riding
3 positions of a school bus as determined under the policy
4 adopted by the board of public education."

5 Section 23. Section 75-7119, R.C.M. 1947, is amended
6 to read as follows:

7 "75-7119. Notice of sale of school district bonds. The
8 trustees shall cause the notice of the sale of the bonds to
9 be given. The notice shall state the purpose for which the
10 bonds are to be issued and the amount proposed to be issued,
11 and shall be substantially in the following form:

12 NOTICE OF SALE OF SCHOOL DISTRICT BONDS

13 Notice is hereby given by the trustees of School
14 District No. of County, state of Montana, that the
15 said trustees will on the day of, 19.., at the
16 hour of o'clock at, in the said school
17 district, sell to the highest and best bidder for cash,
18 either amortization or serial bonds of the said school
19 district in the total amount of dollars (\$....), for
20 the purpose of

21 Amortization bonds will be the first choice and serial
22 bonds will be the second choice of the trustees.

23 If amortization bonds are sold and issued, the entire
24 issue may be put into one single bond or divided into
25 several bonds, as the trustees may determine upon at the

1 time of sale, both principal and interest to be payable in
2 semiannual installments during a period of years from
3 the date of issue.

4 If serial bonds are issued and sold they will be in the
5 amount of dollars (\$....) each, ~~(.... dollars (\$....))~~
6 the sum of dollars (\$....) of the said serial bonds
7 will become payable on the day of, 19.., and the
8 sum of dollars (\$....) will become payable on the same
9 day each year thereafter until all of such ~~the~~ bonds are
10 paid.

11 The bonds, whether amortization or serial bonds, will
12 bear date of, 19.., and will bear interest at a rate
13 not exceeding ~~seven-per-cent (7%)~~ per annum, payable
14 semiannually, on the day of (month) and
15 (month) in each year, and will be redeemable in full. (Here
16 insert optional provisions, if any, to be recited on the
17 bonds.)

18 The bonds will be sold for not less than their par
19 value with accrued interest, and all bidders must state the
20 lowest rate of interest at which they will purchase the
21 bonds at par. Such ~~the~~ bonds shall be sold in open
22 competition bidding, by written bids, or by sealed bids. The
23 trustees reserve the right to reject any and all bids and to
24 sell the said bonds at private sale.

25 All bids other than by or on behalf of the state board

1 of land commissioners must be accompanied^a by money, a
 2 certified check, cashier's check, bank money order, or bank
 3 draft, drawn and issued by a national banking association
 4 located in Montana or by any banking corporation
 5 incorporated under the laws of Montana, in the sum of
 6 dollars (\$....) payable to the order of the district, which
 7 will be forfeited by the successful bidder in the event that
 8 he shall refuse to purchase the bonds.

9 All bids should be addressed to the undersigned
 10 district.

11
 12 Chairman, School District No.
 13 of County
 14 Address:

15 ATTEST: Subscribed and sworn to before me this day of
 16, 19.... Notary Public for the State Residing at
 17, Montana. My Commission expires"

18 Section 24. Section 75-7309, R.C.M. 1947, is amended
 19 to read as follows:

20 "75-7309. Gifts, legacies, devises, and administration
 21 of endowment fund. (1) The trustees of any district may
 22 ~~shall have the authority and the power to~~ accept gifts,
 23 legacies, and devises, subject to the conditions imposed by
 24 the deed of the donor, or the will of the testator or
 25 without any conditions imposed. Unless otherwise specified

1 by the donor, deviser, or testator, when a district receives
 2 a gift, legacy, or devise, the trustees shall deposit such
 3 gift, legacy, devise, or the proceeds therefrom in an
 4 endowment fund. The trustees shall administer the endowment
 5 fund so as to preserve the principal from loss, and only the
 6 income from ~~such the~~ fund shall be appropriated for any
 7 purpose.

8 (2) Unless the conditions of the endowment instrument
 9 require an immediate disbursement of ~~such the~~ money, the
 10 money deposited in the endowment fund shall be invested by
 11 the trustees, notwithstanding the provisions of any other
 12 state law, in:

13 (1)(a) school district bonds of the district;
 14 (2)(b) bonds of other school districts within the
 15 state;

16 (3)(c) first mortgage bonds, debentures, notes, and
 17 other evidences of indebtedness ~~issued~~ ~~issued~~, assumed, or
 18 guaranteed by any solvent and operating public utility
 19 corporation existing under the laws of the United States of
 20 America or any state thereof which bonds, debentures, notes,
 21 and other evidences of indebtedness are, at the time of such
 22 investment, within the three (3) highest quality grades for
 23 the rating of such bonds, debentures, notes, and other
 24 evidences of indebtedness by any nationally recognized
 25 investment rating agency;

~~(4)(d)~~ certificates of deposit of either Montana banks insured by the Federal-Deposit-Insurance-Corporation federal deposit insurance corporation; or

~~(5)(a)~~ direct obligations of the United States government.

~~(3)~~ All interest collected on such ~~the~~ deposits or investments shall be credited to the endowment fund. No portion of the endowment fund ~~shall~~ may be loaned to the district nor ~~shall~~ may any money of such ~~the~~ fund be invested in warrants of the district.

~~(4)~~ Whenever any district has been abandoned, the endowment fund of such ~~the~~ abandoned district shall be transferred and placed in the endowment fund in the district to which the territory is attached.

~~(5)~~ As the custodian of the endowment fund, the county treasurer ~~shall--be~~ is liable on his official bond for the endowment fund of any district of the county. No later than ~~the--first--day--of~~ July 1 of each school fiscal year, the county treasurer shall account to the trustees of each district on the condition of its endowment fund including the status of the investments that have been made with the money of the fund. The county treasurer shall also include the endowment fund in his reports to the board of county commissioners.

~~(6)~~ The trustees of any district having an endowment

fund shall provide suitable memorials for all persons or associations of persons making gifts to the district which become a part of the endowment fund."

Section 25. Section 75-7607, R.C.M. 1947, is amended to read as follows:

"75-7607. Notification and processing of complaint against a licensed textbook dealer. ~~(1) it shall be the duty--of--any~~ A district or county superintendent ~~to shall~~ notify the superintendent of public instruction whenever it is ascertained that a licensed textbook dealer is:

~~(1)--offering--to supply textbooks without a license as prescribed in section 75-7605;~~

~~(2)(a)~~ offering to sell textbooks at a higher price than the listed uniform sales price filed with the superintendent of public instruction;

~~(3)(b)~~ offering to sell textbooks at a higher shipping point price than the shipping point price of the same textbooks distributed elsewhere in the United States; or

~~(4)(c)~~ in any other way performing contrary to the laws regulating the offering of textbooks for sale or adoption to districts.

~~(2)~~ Upon receipt of such notification from the district or county superintendent, the superintendent of public instruction shall notify the appropriate licensed textbook dealer of the complaint. ~~Once~~ If the superintendent

of public instruction has--found finds that the licensed textbook dealer has violated any provision of this section and he the dealer fails to rectify his error within thirty ~~(30)~~ days of the notification of the finding of a violation, he shall forfeit his surety bond. The attorney general, upon written request of the superintendent of public instruction, shall proceed to collect by legal action the full amount of the surety bond. Any amount so recovered shall be paid into the state public school equalization aid account."

Section 26. Section 75-7709, R.C.M. 1947, is amended to read as follows:

"75-7709. Sources of financing for post-secondary ~~postsecondary~~ vocational-technical center budgets -- board of public education administration. (1) ~~(1)~~ The total of the budgets approved by the board of public education together with the budget for the cost of state administration of the post-secondary ~~postsecondary~~ vocational-technical centers shall constitute the total maximum approved, state-wide statewide budget which shall be financed as follows:

(1)(a) ~~(1)(a)~~ The primary source of financing is to be those funds specifically designated by legislative enactment or referendum by the people for financing post-secondary ~~postsecondary~~ vocational-technical education in Montana.

(2)(b) ~~(2)(b)~~ The board of county commissioners of each county in which a designated post-secondary ~~postsecondary~~

vocational-technical center is located is hereby authorized to levy a tax of not to exceed one (1) mill on the dollar of all taxable property, real and personal, within the county for the support and maintenance of the post-secondary ~~postsecondary~~ vocational-technical center located within the said county.

(3)(c) ~~(3)(c)~~ Designated post-secondary ~~postsecondary~~ vocational-technical centers shall be eligible to receive such funds from the federal government as the board of public education may provide pursuant to applicable Acts--of ~~congress acts of congress~~.

(4)(d) ~~(4)(d)~~ The board of trustees of any designated high school district, or county high school district where a post-secondary ~~postsecondary~~ vocational-technical center is located may be required, as a condition for the construction in such ~~that~~ district of a post-secondary ~~postsecondary~~ vocational-technical center, or any part thereof, to furnish up to fifty-percent (50%) of the amount of funds required for any such construction. The percentage of construction funds to be furnished by such ~~the~~ designated district shall be derived, in whole or in part, from any of the following sources:

(e)(i) ~~(e)(i)~~ The the sale of bonds issued by such ~~that~~ district. Such ~~(such)~~ bonds shall be issued in conformity with the requirements of chapter 71 of title ~~title~~ 75 in the

1 case of high school and county high school districts;
 2 ~~(b)(iii) Any any~~ other funds available to ~~such that~~
 3 district which may be legally and properly applied toward
 4 such construction;

5 ~~(c)(iii) The the~~ reasonable value of land, buildings,
 6 fixtures, or equipment furnished by ~~such that~~ district,
 7 subject to the approval of the board of public education.

8 ~~(5)(e) If the aggregate financing provided by sources~~
 9 of revenue in ~~(1)(a), (1)(b), and (1)(c) of this~~
 10 ~~section does not provide one-hundred-per-cent (100%)~~
 11 financing of the maximum approved, ~~state-wide statewide~~
 12 budget, the remaining deficiency shall be financed from any
 13 state funds appropriated by the legislature for
 14 ~~post-secondary postsecondary~~ vocational-technical education.

15 (2) The board of public education shall direct the
 16 distribution of the funds specified in subsections ~~(1)~~
 17 ~~(1)(a), (1)(c), and (5)(e)~~ of this section on the
 18 basis of the budgets approved by the board of public
 19 education. The funds earned by the mill levy specified in
 20 subsection ~~(2)(b)~~ of this section shall be credited by
 21 the county treasurer to the ~~post-secondary, postsecondary~~
 22 vocational-technical center fund.

23 (3) The board of public education shall determine the
 24 amount of financing available from these five sources of
 25 revenue and may approve budgets for maintenance and

1 operation, construction, and ancillary services. The
 2 aggregate amount of the budgets so approved by the board of
 3 public education for ~~post-secondary postsecondary~~
 4 vocational-technical centers shall not exceed the moneys
 5 determined to be available."

6 Section 27. Section 75-7801, R.C.M. 1947, is amended
 7 to read as follows:

8 "75-7801. Definitions. As used in this ~~title title,~~
 9 unless the context clearly indicates otherwise, ~~the~~
 10 ~~following definitions apply:~~

11 (1) "Special education" means the kind of instruction
 12 requiring special facilities or programs for mentally
 13 retarded or physically handicapped children or for
 14 educationally handicapped persons.

15 (2) A "mentally retarded child" means any child who is
 16 not capable of profiting from the regular instruction of a
 17 school because his mental ability is substantially below the
 18 mental ability of an average child of the same age. Mentally
 19 retarded children are classified as follows:

20 (a) An "educable mentally retarded child" means a
 21 child who, at maturity, cannot be expected to attain a level
 22 of intellectual functioning greater than that commonly
 23 expected of an ~~eleven-year-old 11-year-old~~ child, but not
 24 less than that of a ~~seven-year-old 7-year-old~~ child.

25 (b) A "trainable mentally retarded child" means a

child who⁶ at maturity cannot be expected to attain a level of intellectual functioning greater than that commonly expected of a ~~seven-year-old~~ 7-year old child and, for entrance into a training program, is capable of walking, of clean body habits, and of obedience to simple commands.

(c) A "custodial mentally retarded child" means a child who does not show a likelihood of attaining clean body habits, responsiveness to directions, or means of intelligible communication.

(3) A "physically handicapped child" means a child who is capable of profiting from the regular instruction with the assistance of special equipment, special services, or transportation to compensate for physical disabilities such as, but not limited to, cardiac impairment, cerebral palsy, chronic health problems, or inadequate speech, hearing, or vision.

(4) An "educationally handicapped person" means a child or young adult under the age of ~~twenty-one~~ (21) years who requires special assistance to the extent that he cannot reasonably profit from the regular education program. An educationally handicapped person's learning disorders include, but are not limited to, conditions which have been referred to as visual perception handicaps, brain injury, minimal brain dysfunction, dyslexia, behavioral maladjustment, and ~~or~~ emotional disturbances. An

educationally handicapped person's disorders are not the result of problems with visual acuity, hearing impairment, physical handicaps, cultural or instructional factors, and ~~or~~ mental retardation."

Section 28. Section 75-8132, R.C.M. 1947, is amended to read as follows:

"75-8132. Tax levy. On the second Monday of August, the board of county commissioners of any county where a community college district is located shall fix and levy a tax on all the real and personal property within the community college district at the rate required to finance the ~~three-(3)~~ mandatory mill levy prescribed by ~~subsection (1)-of-section~~ subsection 75-8128~~(2)~~ plus any approved additional levy. When a community college district has territory in more than one county, the board of county commissioners of each county shall fix and levy the community college district tax on all the real and personal property of the community college district situated in its county."

Section 29. Section 75-8307, R.C.M. 1947, is amended to read as follows:

"75-8307. Penalty. Unless otherwise specifically provided by law, any person who ~~shall-violate~~ violates any ~~provisions~~ provision of this title ~~shall-be-deemed is~~ guilty of a misdemeanor and, if convicted by a court of competent jurisdiction, shall be ~~finned~~ punished by a fine of

1 not less than ~~twenty-dollars (\$20)~~ or more than ~~two-hundred~~
 2 ~~dollars (\$200)~~ or by imprisonment in the county jail for
 3 not less than five (5) days or more than ~~thirty (30)~~ days,
 4 or by both such fine and imprisonment."

5 Section 30. Section 75-8312, R.C.M. 1947, is amended
 6 to read as follows:

7 "75-8312. Educational impact statements defined --
 8 when required. When a county superintendent of schools finds
 9 that a person intends to construct or locate a major
 10 industrial facility, as defined in ~~section~~ 75-7104, or
 11 intends to open a new strip mine, as defined by ~~section~~
 12 50-1603, within the county, the superintendent may require
 13 such person to file with the county an educational impact
 14 statement. An educational impact statement is a report
 15 estimating the increased demands on public schools in the
 16 county as a consequence of the major industrial facility ~~or~~
 17 strip mine. The statement shall indicate:

18 (1) the numbers number of persons, ~~---and---their~~
 19 ~~anticipated-residential-distribution~~ to be employed during
 20 the construction or preparation, and during the operation of
 21 the major industrial facility ~~or strip mine and their~~
 22 anticipated residential distribution;

23 (2) the numbers number and anticipated distribution of
 24 persons employed in providing goods and services to the
 25 persons enumerated in the preceding category;

1 (3) the numbers number of school age children
 2 anticipated to be living with the persons enumerated in the
 3 preceding categories; and

4 (4) the time periods covered by each preceding
 5 estimate."

6 Section 31. Section 75-8404, R.C.M. 1947, is amended
 7 to read as follows:

8 "75-8404. Prohibition against use of name of system.

9 (1) The state has the exclusive right to the name "the
 10 Montana university system".

11 (2) No other institution of learning, or corporation
 12 ~~shall may~~ use the name "the Montana university system" or
 13 similar name.

14 (3) The attorney general shall bring ~~an~~ action in the
 15 name of the state against any person, association, or
 16 corporation using the same or similar name.

17 (4) The penalty for violation of this section shall be
 18 the dissolution of the corporation, and a fine in a sum not
 19 exceeding ~~five-hundred-dollars (\$500)~~, nor ~~or~~ less than one
 20 ~~hundred-dollars (\$100)~~."

21 Section 32. Section 75-8504, R.C.M. 1947, is amended
 22 to read as follows:

23 "75-8504. Borrowing by regents. In carrying out the
 24 above powers, the regents may:

25 (1) ~~Borrow borrow~~ money for any purpose or purposes

1 stated in this chapter, including, if deemed ⁴considered
2 desirable by the regents, the payment of interest on the
3 money borrowed for a facility during the construction
4 thereof and for one {1} year thereafter and the creation of
5 a reserve for the payment of bond principal and interest*1*

6 (2) ~~Make make~~ purchases on a time or installment
7 basis*1*

8 (3) ~~issue issue~~ bonds, notes*1* and other securities,
9 negotiable or otherwise, secured as provided in this
10 section, including bearer bonds with appurtenant interest
11 coupons, which shall be fully negotiable notwithstanding any
12 limitation on the source of payment thereof, or fully
13 registered bonds*1* or bonds registered as to ownership of
14 principal only*1*

15 (4) ~~Pledge pledge~~ for the payment of the purchase
16 price of any facility or of the principal and interest on
17 bonds, notes*1* or other securities authorized in this chapter
18 or otherwise obligate:

19 (a) the net income received from rents, board*1* or both
20 in housing, food service*1* and other facilities;

21 (b) receipts from student building, activity, union*1*
22 and other special fees prescribed by the regents for all
23 students; and

24 (c) other income in the form of gifts, bequests,
25 contributions, federal grants of funds, including the

1 proceeds or income from grants of lands or other real or
2 personal property*1*; receipts from athletic and other
3 contests, exhibitions*1* and performances*1* and collections of
4 admissions and other charges for the use of facilities
5 including all use by other persons, firms, and corporations
6 for athletic and other contests, exhibitions, and
7 performances and for the conduct of their business,
8 educational, or governmental functions*1*

9 (5) ~~Make make~~ payments on loans or purchases from any
10 other available income not obligated for ~~such those~~
11 purposes, including receipts from sale of materials,
12 equipment*1* and fixtures of ~~such the~~ facilities*1* or from
13 sales of the facilities themselves other than land*1*

14 (6) ~~Secure secure~~ any bonds authorized hereunder by a
15 trust indenture between the regents and any bank or trust
16 company within or without the state of Montana*1* or by a
17 resolution establishing covenants of the regents with the
18 holders of such bonds*1* relating to the construction,
19 operation, use*1* and insurance of the facilities*1*; the
20 segregation, expenditure*1* and audit of accounts of the bond
21 proceeds and of the income pledged*1*; the establishment and
22 collection of rents, charges, admissions*1* and fees
23 sufficient to provide net income adequate for prompt payment
24 of principal and interest on bonds and creation and
25 maintenance of reserves for that purpose*1* and such other

1 matters as the regents may determine to be necessary or
2 desirable for the security and marketability of the bonds;

3 (7) ~~issue issue~~ and sell or exchange bonds, secured as
4 provided in this section, for the refunding of any
5 outstanding bonds or other obligations ~~heretofore--or~~
6 ~~hereafter issued before or after January 29, 1971,~~ by the
7 regents, subject to the following provisions:

8 (a) Refunding ~~refunding~~ bonds may, with the consent of
9 the holders of the bonds to be refunded thereby, be
10 exchanged at par plus accrued interest for all or part of
11 such bonds, or may be sold at a price not less than par plus
12 accrued interest. They may be secured by a pledge of the
13 same revenue as the bonds refunded, or by a pledge of
14 different or additional revenues received at the same unit
15 of the university. Nothing herein shall require the holder
16 of any outstanding bond to accept payment thereof or the
17 delivery of a refunding bond in exchange therefor, except in
18 accordance with the terms of such ~~the~~ outstanding bond.
19 Bonds may be issued to refund interest as well as principal
20 actually due and payable, if the revenues pledged therefor
21 are not sufficient, but not to refund any bonds or interest
22 due which can be paid from revenues then on hand.

23 (b) Refunding ~~refunding~~ bonds may bear interest at a
24 rate lower or higher than the bonds refunded thereby, if
25 they are issued to refund matured principal or interest for

1 the payment of which revenues on hand are not sufficient, or
2 if they are issued to refund before maturity bonds issued
3 before January 1, 1965, for the purpose of releasing
4 revenues required for payment of the outstanding bonds
5 permitting the pledge thereof for the security of other
6 bonds as well as the refunding bonds, subject to the rights
7 of the holders of the outstanding bonds until those bonds
8 are fully paid and redeemed. Except as authorized in the
9 preceding sentence, refunding bonds shall not be issued
10 unless their average annual interest rate, computed to their
11 stated maturity dates and excluding any premium from such
12 computation, is at least ~~three-eighths-of-one-per-cent~~ $\{3/8$
13 ~~of 1%~~ less than the average annual interest rate on the
14 bonds refunded thereby, computed to their respective stated
15 maturity dates.

16 (c) In ~~in~~ any case where refunding bonds are issued
17 and sold ~~six~~ $\{6\}$ months or more before the earliest date on
18 which all bonds refunded thereby mature or are prepayable in
19 accordance with their terms, the proceeds of the refunding
20 bonds, including any premium and accrued interest, shall be
21 deposited in escrow with a suitable bank or trust company,
22 having its principal place of business within or without the
23 state, which is a member of the federal reserve system and
24 has a combined capital and surplus not less than one ~~11~~
25 million dollars ~~-\$1,000,000~~ and shall be invested in such

1 ~~the~~ amount and in securities maturing on ~~such the~~ dates and
 2 bearing interest at ~~such the~~ rates ~~as shall which will~~ be
 3 required to provide funds sufficient to pay when due the
 4 interest to accrue on each bond refunded to its maturity or,
 5 if it is prepayable, to the earliest prior date upon which
 6 ~~such the~~ bond may be called for redemption from the proceeds
 7 of the refunding bonds, and to pay and redeem the principal
 8 amount of each ~~such~~ bond at maturity or, if prepayable, ~~at~~
 9 ~~said on that~~ redemption date, and any premium required for
 10 redemption on ~~such that~~ date, ~~and the the~~ resolution or
 11 indenture authorizing the refunding bonds shall irrevocably
 12 appropriate for these purposes the escrow fund and all
 13 income therefrom, and shall provide for the call of all
 14 prepayable bonds in accordance with their terms. The
 15 securities to be purchased with such escrow funds shall be
 16 limited to general obligations of the United States,
 17 securities whose principal and interest payments are
 18 guaranteed by the United States, and securities issued by
 19 the following United States government agencies: banks for
 20 ~~co-operatives cooperatives~~, federal home loan banks, federal
 21 intermediate credit banks, federal land banks, and the
 22 federal national mortgage association. ~~Such the~~ securities
 23 shall be purchased simultaneously with the delivery of the
 24 refunding bonds.

25 (d) Revenues ~~revenues~~ or other funds on hand, in

1 excess of amount pledged by resolutions or indentures
 2 authorizing outstanding bonds for the payment of principal
 3 and interest currently due thereon and reserves securing
 4 such payment, may be used to pay the expenses incurred by
 5 the regents for the purpose of ~~such~~ refunding, including but
 6 without limitation the cost of advertising and printing
 7 refunding bonds, legal and financial advice and assistance
 8 in connection therewith, and the reasonable and customary
 9 charges of escrow agents and paying agents. Revenues and
 10 other funds on hand, including reserves pledged for the
 11 payment and security of outstanding revenue bonds, may be
 12 deposited in an escrow fund created for the retirement of
 13 ~~such those~~ bonds and may be invested and disbursed as
 14 provided in subsection (c) hereof, to the extent consistent
 15 with the resolutions or indentures authorizing such
 16 outstanding bonds.

17 (8) ~~Sett sell~~ bonds and sell or exchange refunding
 18 bonds issued hereunder in ~~such the~~ manner and upon ~~such the~~
 19 terms as to maturities, interest rates, and redemption
 20 privileges, and for ~~such the~~ price, ~~as that~~ the regents
 21 shall determine with the approval of the department of
 22 administration state-controller."

23 Section 33. Section 75-8609, R.C.M. 1947, is amended
 24 to read as follows:

25 "75-8609. Control of expenditures. Pursuant to the

terms of appropriations of the ~~legislative assembly~~
~~legislature~~ or of ~~Congress congress~~ or of gifts of donors,
 the regents shall determine the need for all expenditures,
 and control the purposes for which all funds shall be spent,
 subject to the provisions of the law dealing with state
~~purchases the-state-purchasing-agent."~~

Section 34. Section 75-8703, R.C.M. 1947, is amended
 to read as follows:

"75-8703. Presumptions and rules as to domicile.

~~(1)~~ Unless the contrary appears to the unit registering
 authority, it is presumed ~~that the domicile of a minor is~~
~~that:~~

~~(1) The domicile of a minor is that:~~

(a) of the parents, or, if one of them is deceased or
 they do not share the same domicile, of the parent having
 legal custody, or, if neither parent has legal custody, the
 parent with whom the minor customarily resides; or

(b) of his guardian when the court appointing the
 guardian certifies that the primary purpose of the
 appointment is not to qualify the minor as a resident of
 this state, or,

(2) A resident student who marries a nonresident does
 not by that fact alone lose resident status for tuition and
 fee purposes for a period of ~~four~~ ~~(4)~~ years after marriage.

(3) Except as provided in the next subsection,

residence is not gained or lost because of relocation as a
 member of the armed forces of the United States.

(4) Residence may be gained by a member of the armed
 forces of the United States, his spouse, or his children by
 living in Montana for ~~one~~ ~~(1)~~ year, and complying with the
 provisions of this section.

(5) A new domicile is established by a qualified
 person if he is physically present in Montana with no
 intention to acquire a domicile outside of Montana.

(6) Domicile is not lost by absence from Montana with
 no intention to establish a new domicile.

(7) Montana high school graduates are resident
 students of the system for ~~four~~ ~~(4)~~ consecutive years of
 attendance if:

(a) they apply for admittance to the system within ~~one~~
~~(1)~~ year after graduation; or

(b) their parents or the parent having legal custody,
 or, if neither parent has legal custody, the parent with
 whom they customarily reside ~~have~~ ~~has~~ resided in Montana in
 one ~~(1)~~ of the ~~two~~ ~~(2)~~ years immediately preceding the
 graduation.

(8) Upon moving to Montana, an adult employed on a
 full-time basis within the state of Montana may apply for
 in-state tuition classification for his spouse or any
 dependent minor child or both. If such person meets the

1 requirement of full-time employment within the state of
 2 Montana and files for the payment of Montana state income
 3 taxes or files estimates of ~~such those~~ taxes, or is subject
 4 to withholding of ~~said those~~ taxes, and renounces his
 5 residency in any other state, and is not himself in the
 6 state primarily as a student, his spouse or any dependent
 7 minor child, or both, may at the next registration after
 8 qualifying be classified at the in-state rate, so long as he
 9 continues his Montana domicile. In the administration of
 10 this ~~subsection paragraph~~, neither the full-time employee or
 11 spouse shall be eligible for in-state tuition classification
 12 if the primary purpose for coming to Montana was the
 13 education of the employee or spouse."

14 Section 35. Section 75-8705, R.C.M. 1947, is amended
 15 to read as follows:

16 "75-8705. Indians -- nonpayment of fees. (1) Persons
 17 of one-fourth ~~(1/4)~~ Indian blood or more and ~~who~~ are bona
 18 fide residents of the state of Montana for at least one ~~(1)~~
 19 year prior to enrollment in the Montana university system,
 20 ~~completing have completed~~ a ~~four-(4)-year 4-year~~ course of
 21 in an accredited high school or federal Indian school, ~~and~~
 22 ~~show showing~~ financial need and evidence of studious and
 23 industrious habits, may enroll in the university system
 24 without the payment of fees.

25 (2) Each unit shall make rules governing the selection

1 of these students."

2 Section 36. Section 75-9108, R.C.M. 1947, is amended
 3 to read as follows:

4 "75-9108. ~~Anti-discrimination Antidiscrimination~~. No
 5 employer is eligible to employ any person under this program
 6 ~~which if the~~ employer practices discrimination in employment
 7 against any individual because of race, ~~creeds~~ religion,
 8 color, ~~political ideas~~, sex, or ~~age~~, ~~marital status~~,
 9 ~~physical or mental handicap, ancestry, or national origin.~~"

10 Section 37. Section 75-9215, R.C.M. 1947, is amended
 11 to read as follows:

12 "75-9215. Civil relief. Any person ~~or persons~~ claiming
 13 loss or damage as a result of any act or practice by a
 14 postsecondary institution or its agent, or both, which act
 15 or practice violates the criteria established by the
 16 department under ~~section-6-(75-9206)~~ ~~of--this--act~~ or the
 17 prohibitions in ~~section-8-(75-9208)~~ ~~of-this-act~~, may sue in
 18 a court of proper jurisdiction of this state the institution
 19 ~~of or~~ the agent, or both, and their sureties for the amount
 20 of ~~such the~~ damage or loss and, if successful, shall be
 21 awarded, in addition to damages, court costs and reasonable
 22 attorney's fees."

23 Section 38. Section 75-9216, R.C.M. 1947, is amended
 24 to read as follows:

25 "75-9216. Bonds required. (1) At the time application

1 is made for license, the department may require the
 2 postsecondary educational institution making ~~such the~~
 3 application to file with the department a good and
 4 sufficient surety bond in such sum as may be determined by
 5 the department. ~~Said the~~ bond shall be executed by the
 6 applicant as principal and by a surety company qualified and
 7 authorized to do business in this state. The bond shall be
 8 conditioned to provide indemnification to any student or
 9 enrollee or his parent or guardian, or class thereof,
 10 determined to have suffered loss or damage as a result of
 11 any act or practice which is a violation of this act by ~~the~~
 12 ~~said~~ postsecondary educational institution, and that the
 13 bonding company shall pay any final, nonappealable judgment
 14 rendered by any court of this state having jurisdiction
 15 upon receipt of written notification thereof. Regardless of
 16 the number of years that ~~such the~~ bond is in force, the
 17 aggregate liability of the surety thereon shall in no event
 18 exceed the penal sum of the bond. The bond shall be for ~~two~~
 19 ~~{2}~~ years or coterminous with the license.

20 (2) An application for a permit shall be accompanied
 21 by a good and sufficient surety bond in a penal sum of one
 22 ~~thousand-dollars (\$1,000)~~. ~~Said the~~ bond shall be executed
 23 by the applicant as principal and by a surety company
 24 qualified and authorized to do business in this state. The
 25 bond may be in blanket form to cover more than one agent for

1 a postsecondary educational institution, but it shall cover
 2 each agent for ~~said the~~ institution in a penal sum of ~~one~~
 3 ~~thousand--dollars (\$1,000)~~. The bond shall be conditioned to
 4 provide indemnification to any student, enrollee, or ~~his--or~~
 5 ~~her the~~ parents or guardian, or class thereof, determined to
 6 have suffered loss or damage as a result of any act or
 7 practice which is a violation of this act by ~~said the~~ agent,
 8 and that the bonding company shall pay any final,
 9 nonappealable judgment rendered by any court of this state
 10 having jurisdiction upon receipt of written notification
 11 thereof. Regardless of the number of years that ~~such the~~
 12 bond is in force, the aggregate liability of the surety
 13 thereon shall in no event exceed the penal sum thereof. The
 14 bond shall be for ~~two {2}~~ years or coterminous with the
 15 permit.

16 (3) The surety bond to be filed hereunder shall cover
 17 the period of the license or the permit except when a surety
 18 ~~is shall--be released as-provided-herein~~. A surety on any
 19 bond filed under the provisions of this section may be
 20 released after ~~such the~~ surety ~~shall--serve~~ has served
 21 written notice to the department ~~forty {40}~~ days prior to
 22 ~~said the~~ release, but ~~the~~ ~~said~~ release ~~shall does~~ not
 23 discharge or otherwise affect any claim ~~theretofore--or~~
 24 ~~thereafter~~ filed by a student or enrollee or his parent or
 25 guardian for loss or damage resulting from any act or

1 practice which is a violation of this act alleged to have
2 occurred while the bond was in effect, nor ~~or~~ or from an
3 institution's ceasing operations during the term for which
4 tuition has been paid while the bond was in force.

5 (4) A license for an institution to operate or a
6 permit to an agent shall be suspended by operation of law
7 when ~~and the~~ institution or agent is no longer covered by a
8 surety bond as required by this section; but the department
9 shall cause the institution or an agent, or both, to receive
10 at least ~~thirty-(30)-days~~ days written notice prior to the
11 release of the surety to the effect that the license or
12 permit shall be suspended by operation of law until another
13 surety bond ~~shall--be~~ is filed in the same manner and like
14 amount as the bond being terminated."

15 Section 39. Section 80-102, R.C.M. 1947, is amended to
16 read as follows:

17 "80-102. Montana state school for deaf and blind
18 independent institution -- rights saved. The school for the
19 deaf and blind, formerly located at Boulder in connection
20 with the Montana state training school, but heretofore
21 transferred before July 1, 1943, to the city of Great Falls,
22 shall be known and designated as the Montana state school
23 for the deaf and blind, and shall be conducted as a separate
24 and independent unit and institution of the state of
25 Montana, under the general supervision, direction, and

1 control of the state board of public education, with a local
2 executive board to be appointed in the manner, and to have
3 the powers, authority, and duties granted to and required of
4 ~~such that~~ board, by the provisions of 75-8510 and 75-8511,
5 ~~sections--75-382--to--75-389~~ provided--that ~~However,~~ the
6 transfer of ~~such that~~ school, or any change in the name
7 thereof, or in the objects or purposes thereof, ~~shall may~~
8 not be deemed considered or construed to impair or work any
9 forfeiture or alteration of any rights, grants, or property
10 heretofore made to or acquired by ~~such that~~ school or by the
11 state for the use and benefit of ~~such that~~ school, prior to
12 July 1, 1943."

13 Section 40. Repealer. Sections 80-110 and 80-112,
14 R.C.M. 1947, are repealed.

-End-